

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

P.O. 185 6/12

K.M. 27 4

EPB. 158 6

सं० 2]
No. 2]

नई दिल्ली, जनवरी 8—जनवरी 14, 2006, शनिवार/पौष 18—पौष 24, 1927
NEW DELHI, JANUARY 8—JANUARY 14, 2006, SATURDAY/PAUSA 18—PAUSA 24, 1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation.

पूरा किया

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्रभारी
प० वि० एकक

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क आयुक्तालय)

भावनगर, 14 अक्टूबर, 2005

सं० 02/2005 सी.शु. (गै. टे.)

का. आ. 100.— वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94-सी.शु. (गै. टे.) दिनांक 01-07-94 द्वारा सीमा शुल्क अधिनियम, 1962 की धारा 9 के अंतर्गत मुझे शक्तियों का प्रयोग करते हुए, मैं एतद्वारा गाँव-घांघली, पोस्ट-घांघली, शिहोर-अहमदाबाद रोड, तालुका-शिहोर, जिला-भावनगर (गुजरात) को केवल 100% निर्यात उन्मुखी इकाईयों की स्थापना के सीमित प्रयोजन के लिये भण्डारण केन्द्र के रूप में घोषित करता हूँ।

[फा. सं. VIII/40-02/2005]

तालकेश्वर सिंह, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

(OFFICE OF THE COMMISSIONER OF CENTRAL
EXCISE AND CUSTOMS)

Bhavnagar, the 14th October, 2005

NO. 02/2005-CUS (NT)

S.O. 100 — In exercise of the powers delegated to me under Section 9 of the Customs Act, 1962 vide Ministry of Finance, Department of Revenue, New Delhi's Notification No. 33/94-Cus (NT) dated 1-7-94, I hereby declare Village: Ghanghali, Post: Ghanghali, Sihor-Ahmedabad Road, Ta.-Sihor, District-Bhavnagar (Gujarat) as a Warehousing Station under Section 9 of the Customs Act, 1962 for the limited purpose of setting up 100% Export Oriented Units (EOU) only.

[F.No. VIII/40-02/2005]

TALKESHWAR SINGH, Commissioner

(केन्द्रीय उत्पाद शुल्क आयुक्तालय)

जयपुर, 2 जनवरी, 2006

सं. 01-सीमा शुल्क (एन टी) 2006

(सीमा शुल्क)

का.आ. 101—सीमा शुल्क अधिनियम, 1962 की धारा 152 के खण्ड (ए) के तहत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94 सीमा शुल्क (एन टी) दिनांक 1 जुलाई, 1994 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैं, जयन्त मिश्र, आयुक्त, केन्द्रीय उत्पाद शुल्क, जयपुर-प्रथम एतद्वारा, सत प्रतिशत ई.ओ.यू. स्थापित करने के उद्देश्य से सीमा शुल्क अधिनियम की धारा 9 के अन्तर्गत राजस्थान राज्य के कोटा जिले को लाडपुरा तहसील में ग्राम मण्डाना को भण्डारण स्टेशन (वेयर हाउसिंग स्टेशन) घोषित करता हूँ।

[फा. सं. पंचम (16)इओयू/36/2005]

जयन्त मिश्र, आयुक्त

THE COMMISSIONER,
CENTRAL EXCISE)

Jaipur, the 2nd January, 2006

No. 01-CUS (NT) 2006

(CUSTOMS)

S.O. 101—In exercise of the powers conferred by Notification No. 33/94-Customs (NT), dated the 1st July, 1994, by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, issued under clause (a) of Section 152 of Customs Act, 1962, I, Jayant Misra, Commissioner of Central Excise, Jaipur-1, hereby declare the Village-Mandana, Teh.-Ladpura, Dist.-Kota, in the State of Rajasthan to be Warehousing Station under Section 9 of the Customs Act, 1962 for the purpose of setting up WAREHOUSE.

[F.No. V(16)EOU/36/2005]

JAYANT MISRA, Commissioner

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 6 जनवरी, 2006

(आयकर)

का.आ. 102—सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्रीय सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ 'विश्वविद्यालय, कॉलेज या अन्य संस्था' की श्रेणी के अन्तर्गत दिनांक 1-4-2004 से दिनांक 31-3-2007 तक का अवधि के लिए मेरस के ए.आई.एफ. डेवलपमेंट रिसर्च फाउंडेशन, उरुलिकानचन, ताल. हवेली, डिस्ट. पुणे-412 202 को अनुमोदित किया गया है।

के लिए एक मात्र मौजूद 'वैज्ञानिक अनुसंधान संघ' के रूप में है) को निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है:—

(i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा।

(ii) वित्तीय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए यह अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आय कर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है।

(iii) अनुमोदित संगठन उपर्युक्त पैरा (ii) में संदर्भित आय एवं व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण पत्र भी संलग्न करेगा:—

(क) जिसमें संगठन द्वारा वैज्ञानिक अनुसंधान/सांख्यिकीय अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35 की उपधारा (1) खंड (ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।

(ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय सामाजिक विज्ञान/सांख्यिकीय अनुसंधान के लिए ही था।

[अधिसूचना सं. 01/2006/फा. सं. 203/21/2005-आयकर नि.-II]

निधि सिंह, अवर सचिव

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 6th January, 2006

(INCOME-TAX)

S.O. 102—It is hereby notified for general information that the organization M/s BAIF Development Research Foundation, Urulikanchan, Tal. Haveli, Dist. Pune-412 202 has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income Tax Rules, 1962 for the period from 1-4-2004 to 31-3-2007 under the category 'University, Collège or other Institution' partly engaged in research activities (and not as a scientific research association existing solely for research) subject to the following conditions:—

(i) The approved organization shall maintain separate accounts for its research activities.

(ii) For each of the financial years for which this approval is being given, the approved organization

shall submit a copy of its audited Income & Expenditure account in respect of the research activities for which it has been approved under sub-section (1) of Section 35 of I.T. Act, 1961 to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.

(iii) The approved organization shall also enclose with the Income & Expenditure account referred to in paragraph (ii) above, a certificate from the auditor :—

- specifying the amount received by the organization for scientific research/statistical research in respect of which the donors are eligible to claim deduction under clause (ii) of sub-section (1) of Section 35.
- certifying that the expenditure incurred was for research in social science/statistical research.

[Notification No. 01/2006/F. No. 203/21/2005-ITA-II]

NIDHI SINGH, Under Secy,

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 10 जनवरी, 2006

का. आ. 103—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) योजना, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3(ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा बी-71, दावरप्री वेंगथार, कांग्रेस भवन, आइजोल निवासी श्री पी.सी. जोरम संगलियाना को अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए या उनका उत्तराधिकारी नामित किए जाने तक, जो भी पहले हो, युनाइटेड बैंक ऑफ इंडिया के बोर्ड में अंशकालिक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/1/2006-बीओ-1]

जी. बी. सि. सर सचिव

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 10th January, 2006

S.O. 103—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Shri P.C. Zoram Sangliana resident of B-71,

Dawrpri Vengthar Congress Bhawan, Aizwal as part-time non-official director on the Board of United Bank of India for a period of three years from the date of notification or until his successor is nominated, whichever is earlier.

[F. No. 9/1/2006-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 10 जनवरी, 2006

का. आ. 104—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) योजना, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3(ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा भैयाथान रोड, डी-14, सुरजपुर, जिला सुरगुजा, छत्तीसगढ़ निवासी श्री अब्दुल रशीद को अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए या उनका उत्तराधिकारी नामित किए जाने तक, जो भी पहले हो, युनाइटेड बैंक ऑफ इंडिया के बोर्ड में अंशकालिक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/1/2006-बीओ-1]

जी. बी. सि. सर सचिव

New Delhi, the 10th January, 2006

S.O. 104—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Shri Abdul Rashid resident of Bhaiyathan Road, PO Surajpur, District Surguja, Chattisgarh, as part-time non-official director on the Board of United Bank of India for a period of three years from the date of notification or until his successor is nominated, whichever is earlier.

[F. No. 9/1/2006-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 10 जनवरी, 2006

का. आ. 105—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) योजना, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3(ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा सुश्री ओमेश मोयोंग देओरी, जो सामाजिक कार्यकर्ता हैं और डी-14, अदिति अपार्टमेंट्स, 16, आईपी एक्सटेंशन, पटपड़गंज, नई दिल्ली में रहती हैं, को अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए या उनका उत्तराधिकारी नामित किए जाने तक, जो भी पहले हो, यूको बैंक के बोर्ड में अंशकालिक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/3/2005-बीओ-1]

जी. बी. सि. सर सचिव

New Delhi, the 10th January, 2006

S.O. 105—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Ms. Omen Moyong Deori, Social Worker and resident of D-14, Aditi Apartments, 16 I.P. Extension, Patparganj, New Delhi as part-time non-official director on the Board of UCO Bank for a period of three years from the date of notification or until her successor is nominated, whichever is earlier.

[F. No. 9/31/2005-BO-I]

G. B. SINGH, Under Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 3 जनवरी, 2006

का.आ. 106.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में मध्य रेलवे के मुंबई मंडल के निम्नलिखित रेल कार्यालयों को, जहां 80% से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है :-

मध्य रेलवे (मुंबई मंडल)

1. सहायक मंडल यांत्रिक इंजीनियर, वाडीबंदर
2. वरिष्ठ मंडल यांत्रिक इंजीनियर (डीजल), कुर्ला
3. वरिष्ठ कोचिंग डिपो अधिकारी, लोकमान्य तिलक टर्मिनस
4. वरिष्ठ मंडल यांत्रिक इंजीनियर (डीजल), कल्याण
5. सहायक मंडल इंजीनियर, भायखला
6. सहायक मंडल इंजीनियर (रेलपथ), ठाणे
7. सहायक मंडल इंजीनियर (अनुरक्षण), मानखुर्द
8. सहायक मंडल इंजीनियर (उत्तर), लोनावला
9. सहायक मंडल इंजीनियर (अनुरक्षण), इगतपुरी
10. सहायक मंडल सिगनल एवं दूरसंचार इंजीनियर, भायखला
11. सहायक मंडल सिगनल एवं दूरसंचार इंजीनियर, कल्याण
12. सहायक मंडल सिगनल एवं दूरसंचार इंजीनियर, पनवेल
13. वरिष्ठ मंडल विद्युत इंजीनियर (कर्षण वितरण), कल्याण
14. सहायक मंडल विद्युत इंजीनियर (कर्षण वितरण), पनवेल
15. मंडल विद्युत इंजीनियर (कर्षण चल स्टाक), सांनपाड़ा
16. सहायक सुरक्षा आयुक्त/रेल सुरक्षा बल, कल्याण
17. मुख्य चिकित्सा अधीक्षक, कल्याण
18. वरिष्ठ मंडल चिकित्सा अधिकारी, कुर्ला

19. मंडल चिकित्सा अधिकारी, गुरु तेगबहादुर नगर
20. वरिष्ठ मंडल चिकित्सा अधिकारी, ठाणे
21. वरिष्ठ मंडल चिकित्सा अधिकारी, ठाकुरली
22. वरिष्ठ मंडल चिकित्सा अधिकारी, लोनावला
23. चिकित्सा अधीक्षक, इगतपुरी
24. सहायक मंडल चिकित्सा अधिकारी, पनवेल
25. सहायक मंडल वित्त प्रबंधक, ठाकुरली

[सं० हिंदी-2005/रा.भा.1/12/1]

कृष्णा शर्मा, संयुक्त निदेशक, (राजभाषा)

MINISTRY OF RAILWAYS

(RAILWAY BOARD)

New Delhi, the 3rd January, 2006

S.O. 106.—Ministry of Railways (Railway Board), in pursuance of Sub Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the official purpose of the Union) hereby, notify the following Offices of Mumbai Division of Central Railway, where 80% or more Officers/Employees have acquired the working knowledge of Hindi:—

Central Railway (Mumbai Division)

1. Assistant Divisional Mechanical Engineer Wadibunder
2. Senior Divisional Mechanical Engineer (Diesel), Kurla.
3. Senior Coaching Depot Officer, Lokmanya Tilak Terminus
4. Senior Divisional Mechanical Engineer (Diesel), Kalyan.
5. Assistant Divisional Engineer Byculla
6. Assistant Divisional Engineer (Track), Thane.
7. Assistant Divisional Engineer (Maintenance), Mankhurd.
8. Assistant Divisional Engineer, (North), Lonavala
9. Assistant Divisional Engineer, (Maintenance), Igatpuri.
10. Assistant Divisional Signal & Telecommunication Engineer, Byculla
11. Assistant Divisional Signal & Telecommunication Engineer, Kalyan.
12. Assistant Divisional Signal & Telecommunication Engineer, Panvel
13. Senior Divisional Electrical Engineer (Traction Distribution), Kalyan
14. Assistant Divisional Electrical Engineer (Traction Distribution), Panvel

15. Divisional Electrical Engineer (Traction Rolling Stock), Sanpada
16. Assistant Security Commissioner, Railway Protection Force, Kalyan.
17. Chief Medical Superintendent, Kalyan
18. Senior Divisional Medical Officer, Kurla
19. Senior Divisional Medical Officer, Guruteg Bahadur Nagar.
20. Senior Divisional Medical Officer, Thane
21. Senior Divisional Medical Officer, Thakurli.
22. Senior Divisional Medical Officer, Lonavala.
23. Medical Superintendent, Igatpuri.
24. Senior Divisional Medical Officer, Panvel.
25. Assistant Divisional Finance Manager, Thakurli.

[No. Hindi-2005/O.L.1/12/1]

KRISHNA SHARMA, Jt. Director (O.L.)

मानव संसाधन विकास मंत्रालय

(महिला एवं बाल विकास विभाग)

नई दिल्ली, 3 जनवरी, 2006

का. आ. 107—केन्द्रीय सरकार, मानव संसाधन विकास मंत्रालय के महिला एवं बाल विकास विभाग के राष्ट्रीय महिला आयोग, 4 दीन दयाल उपाध्याय मार्ग, नई दिल्ली स्थित कार्यालय के

80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों द्वारा हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिए जाने के परिणामस्वरूप इस कार्यालय को राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में एतद्वारा अधिसूचित करती है।

[फा. सं. 11015/1/2000-हिन्दी]

लवलीन कक्कर, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Woman and Child Development)

New Delhi, the 3rd January, 2006

S.O. 107.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use of official purposes of the Union) Rules, 1976, the Central Government hereby notifies National Commission for Women, New Delhi, an Office of the Ministry of Human Resource Development, Department of Women & Child Development, as more than 80% of the officers/employees of the Commission have acquired working knowledge of Hindi.

[F. No. 11015/1/2000-Hindi]

LOVELEEN KACKER, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 6 मई, 2005

का. आ. 108.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 1365 : 2005/आईएसओ 2009 : 1994 खांचेदार चपटे काउंटर शीर्ष वाले पेंच (सामान्य शीर्ष शैली)—उत्पाद ग्रेड ए (चौथा पुनरीक्षण)	—	सितम्बर 2005
2.	आईएस 6101 : 2005/आईएसओ 1580 : 1994 खांचेदार पैन शीर्ष वाले पेंच—उत्पाद ग्रेड ए (दूसरा पुनरीक्षण)	—	सितम्बर 2005
3.	आईएस 7383 : 2005/आईएसओ 8742 : 1997 खांचेदार पिन-एक तिहाई लम्बाई के पिन में खांचे (दूसरा पुनरीक्षण)	—	सितम्बर 2005

(1)	(2)	(3)	(4)
4.	आईएस 7385 : 2005/आईएसओ 8745 : 1997 खांचेदार पिन-आधी लम्बाई के टेपर खांचे (दूसरा पुनरीक्षण)	—	सितम्बर 2005
5.	आईएस 7486 : 2005/आईएसओ 7047 : 1994 टाईप एच अथवा टाईप जैड के अनुप्रस्थ खांचों सहित काउंटरसंक उभरे सिरे वाले पेंच (सामान्य-शीर्ष शैली) उत्पाद ग्रेड ए (दूसरा पुनरीक्षण)	—	अगस्त 2005
6.	आईएस 8127 : 2005 प्रेस टूल डाई समुच्चय के गाईड बुश-विशिष्ट (दूसरा पुनरीक्षण)	—	सितम्बर 2005
7.	आईएस 8405 : 2005 चूड़ीदार बेलन बेलनाकार डाई-विशिष्ट (पहला पुनरीक्षण)	—	सितम्बर 2005
8.	आईएस 8911 : 2005/आईएसओ 2010 : 1994 काउंटरसंक खांचेदार रेज्ड हैड स्क्रू (सामान्य हैड स्टाइल) उत्पाद ग्रेड ए (पहला पुनरीक्षण)	—	सितम्बर 2005
9.	आईएस 13927 : 2005/आईएसओ 6972 : 2002 वैलिडत निर्माण, संयोजकों और स्प्रोकट की क्रेकित-लिंक मिल चैन (पहला पुनरीक्षण)	—	सितम्बर 2005
10.	आईएस 14533 : 2005/आईएसओ 9283 : 1998 परिचलान औद्योगिक रोबोट-कार्यकारिता मानदण्ड और संबद्ध परीक्षण पद्धतियां (पहला पुनरीक्षण)	—	अगस्त 2005
11.	आईएस 15581 : 2005/आईएसओ 4161 : 1999 फ्लैज सहित षटकोणीय ढिबरियां-मोटी चूड़ी	—	सितम्बर 2005
12.	आईएस 15582 : 2005/आईएसओ 4162 : 1990 षटकोणी फ्लैज बोल्ट लघु शृंखला	—	सितम्बर 2005

इन भारतीय मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं. पीजीडी/जी-3.5]

राकेश कुमार, निदेशक एवं प्रमुख (पीजीडी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 6th May, 2005

S.O. 108.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule here to annexed have been established on the date indicated against each.

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 1365 : 2005/ISO 2009 : 1994 Slotted countersunk flat head screws (common head style)—Product Grade A (Fourth Revision)	—	September 2005
2.	IS 6101 : 2005/ISO 1580 : 1994 Slotted pan head screws—Product Grade A (Second Revision)	—	September 2005
3.	IS 7383 : 2005/ISO 8762 : 1997 Grooved pins—One-third-length centre grooved (Second Revision)	—	September 2005
4.	IS 7385 : 2005/ISO 8745 : 1997 Grooved Pins Half-length taper grooved (Second Revision)	—	September 2005
5.	IS 7486 : 2005/ISO 7047 : 1994 Countersunk raised head screws (Common head style) with type H or type Z cross recess—Product Grade A (Second Revision)	—	August 2005
6.	IS 8127 : 2005 Guide bushes for press tool die sets—Specification (Second Revision)	—	September 2005
7.	IS 8405 : 2005 Thread rolling cylindrical dies—Specification (First Revision)	—	September 2005
8.	IS 8911 : 2005/ISO 2010 : 1994 Countersunk slotted raised head screws (common head style)—Product grade A (First Revision)	—	September 2005
9.	IS 13927 : 2005/ISO 6972 : 2002 Cranked-link mill chains of welded construction, attachments and sprockets (First Revision)	—	September 2005
10.	IS 14633 : 2005/ISO 1998 Manipulating Industrial Robots—Performance criteria and related test methods (First Revision)	—	August 2005
11.	IS 15581 : 2005/ISO 4161 : 1999 Hexagon nuts with flange—Coarse thread	—	September 2005
12.	IS 15582 : 2005/ISO 4162 : 1990 Hexagon flange bolts—Small series	—	September 2005

Copy of these Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. PGD/G-3.5]

RAKESH KUMAR, Director & Head (PGD)

नई दिल्ली, 2 जनवरी, 2006

का. आ. 109.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 15607 : 2005 डीजल ईंधन के लिए बायोडीजल (बी 100) ब्लैंड स्टॉक—विशिष्ट	कुछ नहीं	अक्टूबर 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. पीसीडी/जी-7(गजट)]

डा. डी. के. चौधरी, वैज्ञा. 'एफ' एवं प्रमुख (पैट्रोल, कोयला एवं सम्बन्धित उत्पाद)

New Delhi, the 2nd January, 2006

S.O. 109.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No. & Year and title of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)
1. IS 15607:2005 Bio-Diesel (B100) Blend Stock For Diesel Fuel-Specification	None	October 2005

Copy of this Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. PCD/G-7 (Gazette)]

Dr. D. K. CHAUDHURI, Sc. 'F' & Head (PCD)

नई दिल्ली, 4 जनवरी, 2006

का. आ. 110.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई. एस. 6887 : 2005/आई. एस. ओ. 1567 : 1999 दन्त चिकित्सा-कृत्रिम दन्तों के लिए आधार पालिमर (दूसरा पुनरीक्षण)।	IS : 6887-1986	जून, 2005

(1)	(2)	(3)	(4)
2.	आई.एस. 12624 : 2005/आई.एस.ओ. 6877 : 1995 दांतों की जड़ नाल बन्द करने वाली सुईयाँ (पहला पुनरीक्षण)।	IS : 12624 : 1989	जुलाई, 2005
3.	आई.एस. 12721 (भाग-1)-2005/आई.एस. ओ. 6871-1 : 1994 ढलवाँ मिश्र धातु आधारित दन्त भाग 1 कोबाल्ट-आधारित मिश्र धातु (पहला पुनरीक्षण)।	IS : 12721 : 1989	जून, 2005
4.	आई.एस. 12721 (भाग-2)-2005/आई.एस. ओ. 6871-2 : 1994 ढलवाँ मिश्र धातु आधारित दाँत भाग-2 निकल-आधारित मिश्र धातु (पहला पुनरीक्षण)।	IS : 12721 : 1989	जुलाई, 2005

इस भारतीय मानको की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एम एच डी/जी-3.5]

सी. पी. पुरी, प्रमुख (एम एच डी)

New Delhi, the 4th January, 2006

S.O. 110. — In pursuance of clause (b) of sub-rule (1) of Rules (I) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No. & Year of the Indian Standards No. Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)
1. IS 6887 : 2005; Dentistry-Denture base Polymers (Second Revision)	IS 6887 : 1986	June, 2005
2. IS 12624 : 2005; Dental Root-Canal Obturator Oints (First Revision)	IS 12624 : 1989	July, 2005
3. IS 12721 (Part I) : 2005; Dental Base Casting Alloys Part 1 : Cobalt Based Alloys (First Revision)	IS 12721 : 1989	June, 2005
4. IS 12721 (Part 2) : 2005; Dental Base Casting Alloys Part 2 : Nickel Based Alloys (First Revision)	IS 12721 : 1989	July, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MHD/G 3.5]

C. P. PURI, Head (MHD)

नई दिल्ली, 6 जनवरी, 2006

का. आ. 111 — भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15546 : 2005 स्वचल वाहन-सीटों उनके स्थिरकें तथा श्रेणी एम 1 के लिए शीर्ष रिस्ट्रेन्ट-विशिष्ट	—	सितम्बर, 2003
2.	आई एस 15627 : 2005 स्वचल वाहन-दुपहिया और तिपहिया मोटर वाहनों के लिए चातिल टायर-विशिष्ट	आई एस 10914 (भाग 1) : 1991 दिसम्बर, 2005 आई एस 10914 (भाग 4) : 1992, आई एस 10914 (भाग 5) : 1995, आई एस 11157 : 1984 और आई एस 12151 : 1987	

इस भारतीय मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. टी ई डी/जी-16]

पी.सी. जोशी, निदेशक एवं प्रमुख (टीईडी)

New Delhi, the 6th January, 2006

S.O. 111 — In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No., Year & title of the Indian No. Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)
1. IS 15546 : 2005 Automotive vehicles - Seats, their anchorages and head restraints for category M1 - Specification	—	Sep., 2005
2. IS 15627 : 2005 Automotive vehicles - Pneumatic tyres for two and three wheeled motor vehicles - Specification	IS 10914 (Part 1) : 1991, IS 10914 (Part 4) : 1992, IS 10914 (Part 5) : 1995, IS 11157 : 1984 and IS 12151 : 1987	Dec., 2005

Copy of these Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. TED/G-16]

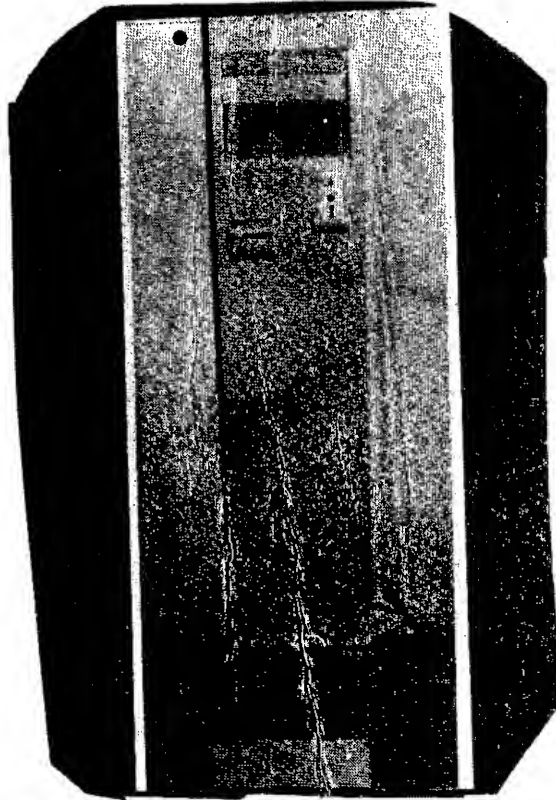
P. C. JOSHI, Director and Head (TED)

नई दिल्ली, 8 दिसम्बर, 2005

का.आ. 112. — केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एक्सप्रो इंडस्ट्रीज, 36 इय्या मुवाली स्ट्रीट, चित्ताद्वीप, चेन्नई-600002 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एक्स-सी डब्ल्यू" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण टिकट प्रिंट आउट सुविधा के साथ इलेक्ट्रॉनिक शिफ्ट द्वारा संचालित व्यक्ति तोलन मशीन के मॉडल का जिसके ब्रांड का नाम "एक्सप्रो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/699 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और श्रृंखला क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के आंतरिक मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन अंतराल (एन) सहित 100 कि. ग्रा. से 200 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

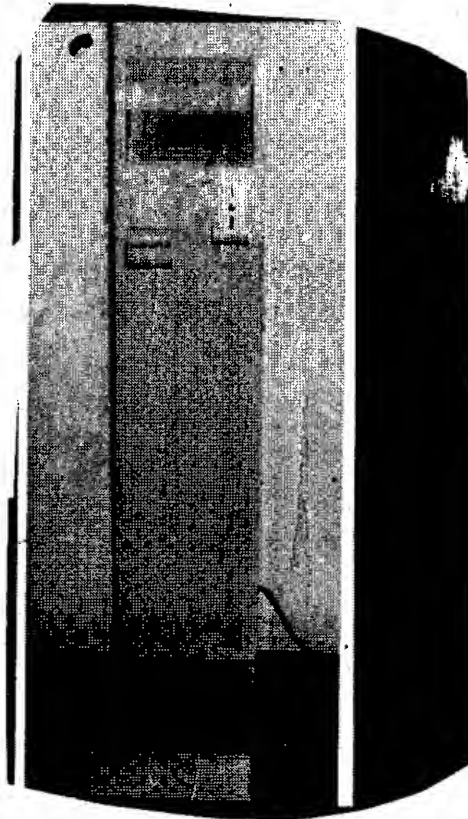
[फा. सं. डब्ल्यू एम-21(145)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th December, 2005

S.O. 111. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument with digital indication (Electronic Coin Operated Person Weighing Machine with ticket print out facility) of medium accuracy (Accuracy class-III) belonging to 'EXP-CW' series with brand name "EXPRO" (hereinafter referred to as the said model), manufactured by M/s. Expro Industries, 36, Iyya Mudali Street, Chintadripet, Chennai-600 002 and which is assigned the approval mark IND/09/05/699;



The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 150kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. The display is of Light Emitting Diode (LED) type. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 100kg to 200kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(145)/2003]

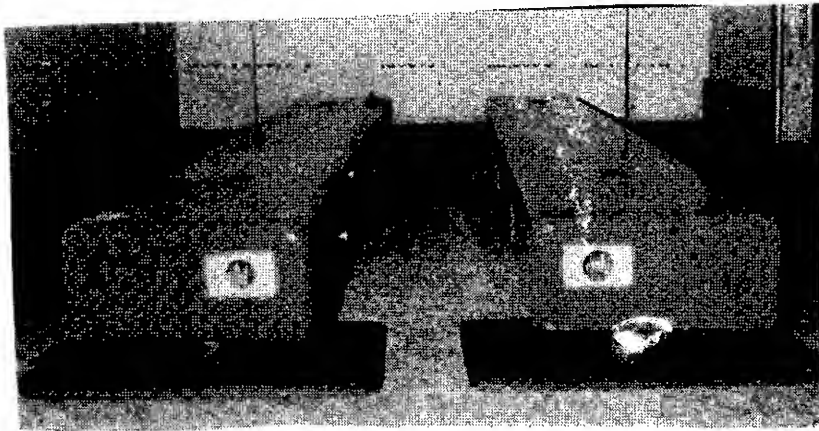
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 दिसम्बर, 2005

का.आ. 113. — केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वेटस्केल इण्डिया प्रा० लि०, टी-180, एम०आई०डी०सी०, भोसारी, पुणे-411026, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “पी बी” शृंखला के अंकक सूचन सहित स्वसूचक, अस्वचालित तोलन उपकरण (पोर्टेबल बार स्केल) के मॉडल का, जिसके ब्रांड का नाम “हॉकले” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/777 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गेज प्रकार का भार सैल आधारित तोलन उपकरण (पोर्टेबल बार स्केल) है। इसकी अधिकतम क्षमता 3000 कि.ग्रा. है और न्यूनतम क्षमता 20 किलो ग्रा. है। सत्यापन मापमान अंतराल (ई) 1 कि. ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबंद किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री, से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलो ग्राम से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(318)/2003]

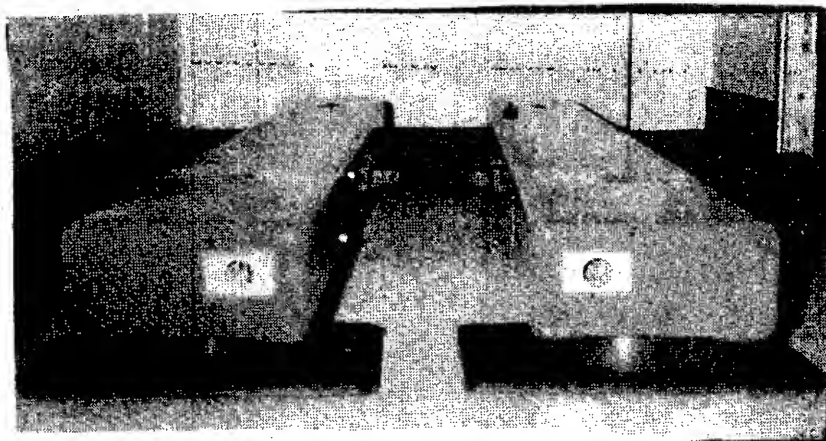
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th December, 2005

S.O. 113. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Portable Bar Scale) weighing instrument with digital indication of "PB" series of medium accuracy (Accuracy class-III) and with brand name "HAWKLEY" (herein after referred to as the said model), manufactured by M/s Weightscale India Pvt. Ltd., T-180, M.I.D.C., Bhosari, Pune-411026, Maharashtra and which is assigned the approval mark IND/09/05/777;

The said model (see the figure given below) is a strain gauge type load cell based weighing instrument (Portable Bar Scale) with a maximum capacity of 3000 kg and minimum capacity of 20kg. The verification scale interval (e) is 1kg. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of same series with maximum capacity above 50 kg and upto 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F No. WM-21(318)/2003]

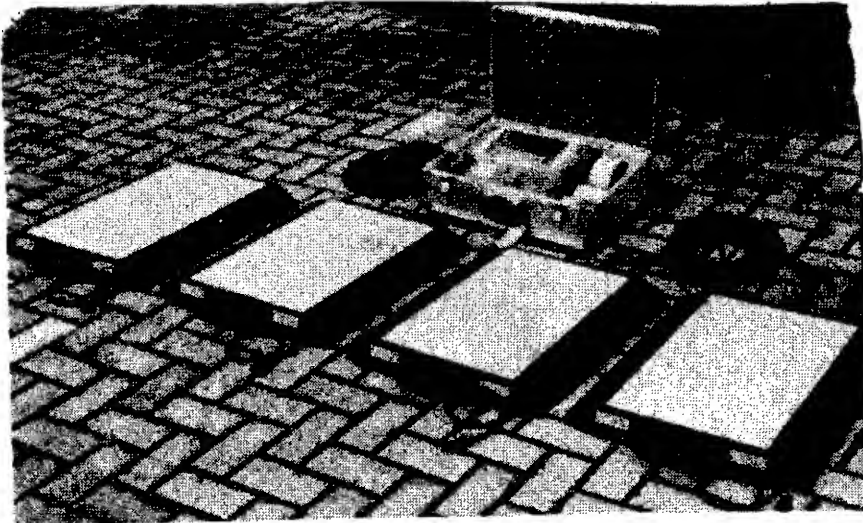
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 दिसम्बर, 2005

का.आ. 114. — केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वेटस्केल इण्डिया प्रा० लि०, टी-180, एम०आई०डी०सी०, भोसारी, पुणे-411026, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "ईएस-ईआर" श्रृंखला के अंकक सूचन सहित स्वसूचक, अस्वचालित तोलन उपकरण (पोर्टेबल प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "हॉकले" है (जिसे इसमें इनके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/775 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गैज प्रकार का भार सैल आधारित तोलन उपकरण (पोर्टेबल प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 5000 कि.ग्रा. और न्यूनतम क्षमता 20 किलो ग्रा. है। सत्यापन मापमान अंतराल (ई) 1 कि. ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक दायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री, से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(318)/2003]

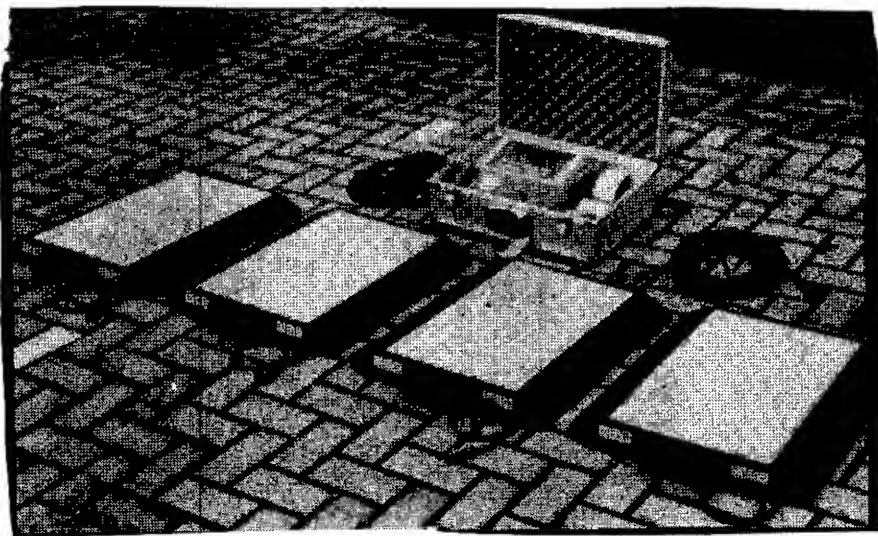
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th December, 2005

S.O. 1M. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Portable Platform Scale) weighing instrument with digital indication of "ES-ER" series of medium accuracy (Accuracy class-III) and with brand name "HAWKLEY" (herein after referred to as the said Model), manufactured by M/s Weightscale India Pvt. Ltd., T-180, M.I.D.C., Bhosari, Pune-411026, Maharashtra and which is assigned the approval mark IND/09/05/775;

The said model (See the figure given below) is a strain gauge type load cell based weighing instrument (Portable Platform Scale) with a maximum capacity of 5000kg and minimum capacity of 20kg. The verification scale interval (e) is 1kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instruments operates on 230 Volts, 50 Hertz alternate current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of same series with maximum capacity above 50Kg. and up to 5000 Kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(318)/2003]

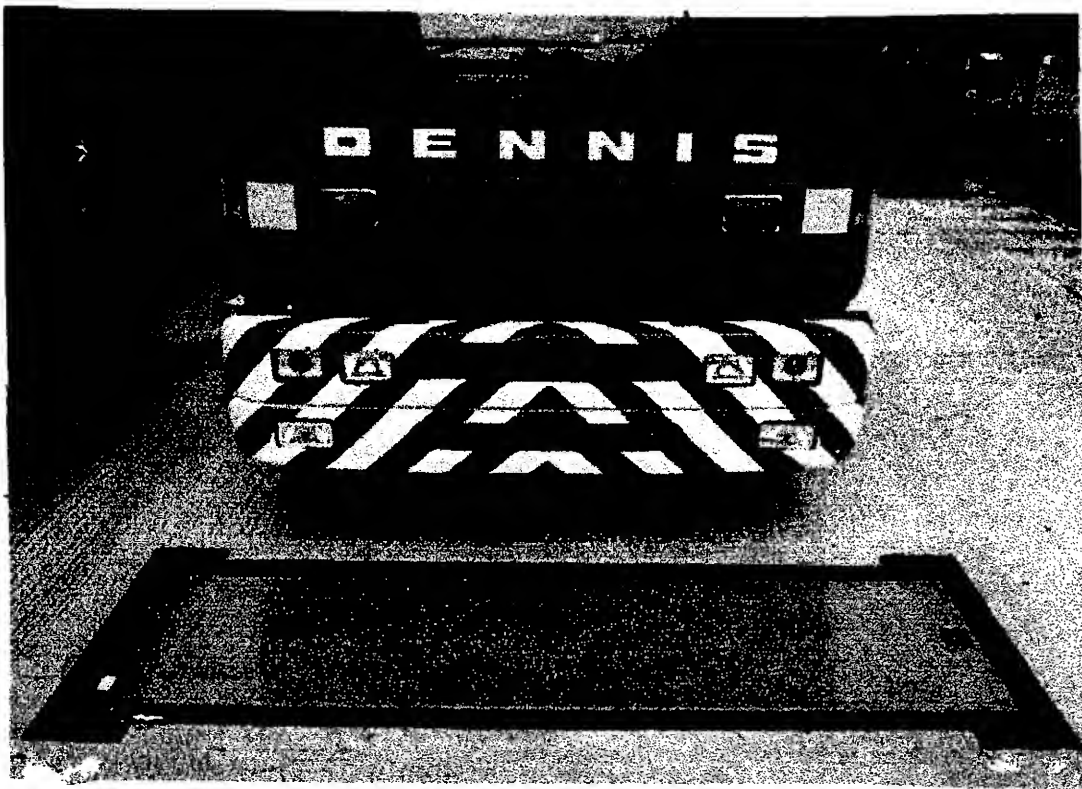
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 दिसम्बर, 2005

का.आ. 115. — केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वेटस्केल इण्डिया प्रा. लि., टी-180, एम.आई.डी.सी., भोसारी, पुणे-411026, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "ई एस ए" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (एकल ऐक्सल वेइंग स्केल) के मॉडल का, जिसके ब्रांड का नाम "हॉकले" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/776 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल अस्वचालित तोलन उपकरण (एकल ऐक्सल वेइंग स्केल) है। इसकी अधिकतम क्षमता 20 टन है और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इसका लोड सैल विकृत गैज प्रकार का है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 50 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

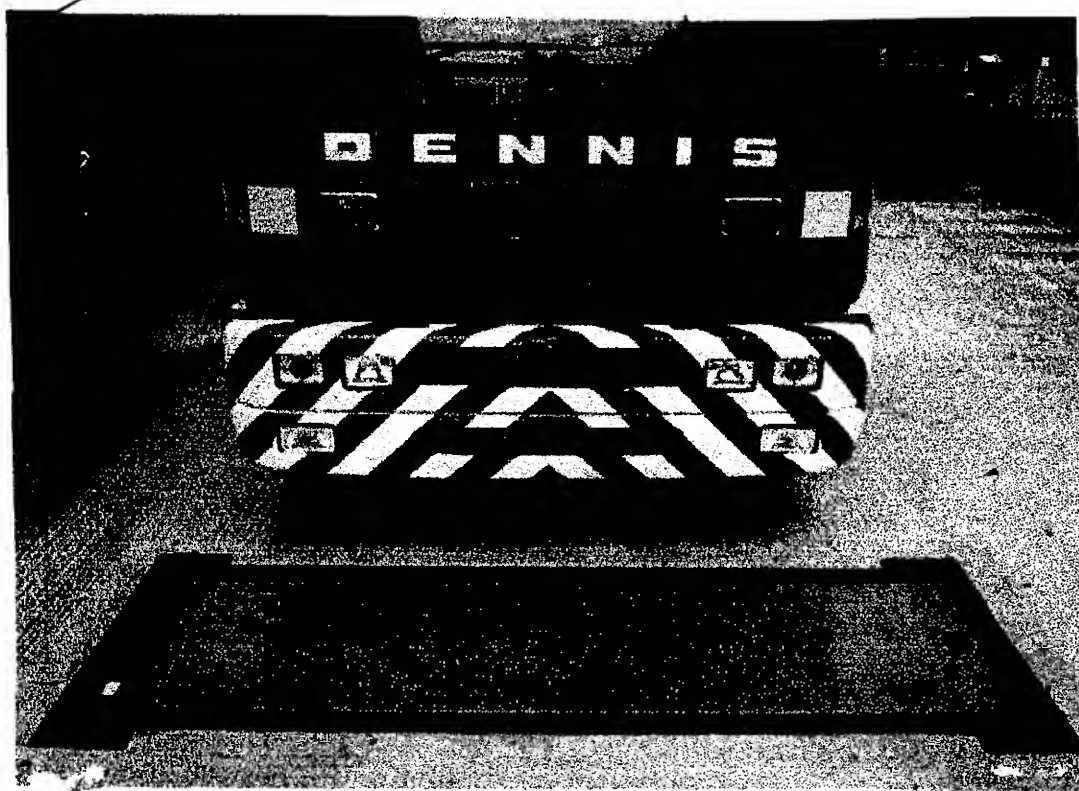
[फा. सं. डब्ल्यू एम-21(318)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th December, 2005

S.O. 115.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (single axle weighing scale) with digital indication belonging to medium accuracy (Accuracy class-III) of "ESA" series with brand name "HAWKLEY" (herein referred to as the said Model), manufactured by M/s Weightscale India Pvt. Ltd., T-180, M.I.D.C., Bhosari, Pune-411026, Maharashtra which is assigned the approval mark IND/09/2005/776;



The said model is a non-automatic weighing instrument (single axle weighing scale) with a maximum capacity of 20 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply. The load cell is of strain gauge type.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 50 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value of 1×10^k , 2×10^k , 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(318)/2003]

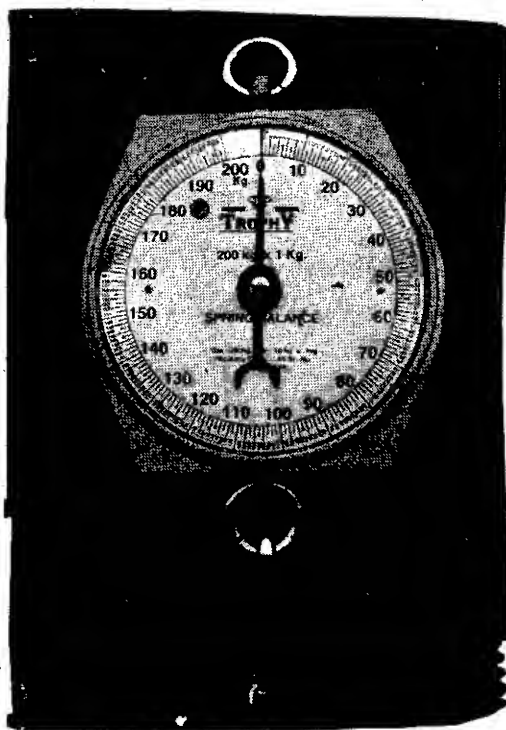
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 दिसम्बर, 2005

का.आ. 116.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एम.के. जैन एण्ड कम्पनी, 19, मनौली हाऊस, जेल के पास, अम्बाला सीटी-134003, हरियाणा द्वारा विनिर्मित सामान्य यथार्थता वर्ग (यथार्थता वर्ग-IV) एनालोग वाले सूचन (स्प्रिंग बेलेंस हेंगिंग स्केल डायल प्रकार) सहित, अस्वचालित तोलन उपकरण के मॉडल का, जिसके ब्राण्ड का नाम “ट्राफी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/895 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक मेकेनिकल स्प्रिंग आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 200 किलो ग्राम है और न्यूनतम क्षमता 10 किलो ग्राम है। सत्यापन मापमान अंतराल (ई) 1 किलो ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए मशीन खोले जाने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्राम या उससे अधिक के “ई” मान के लिए 100 से 1000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलो ग्राम से अधिक और 500 किलो ग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(278)/2005]

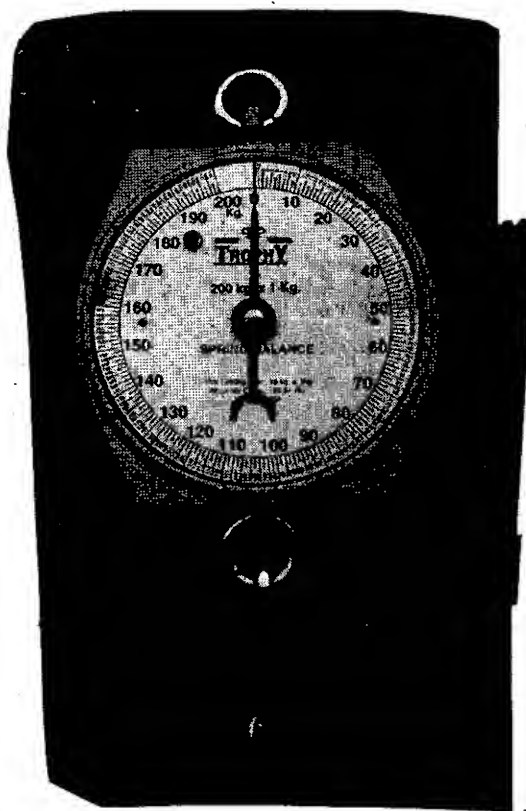
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th December, 2005

S.O. 116. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument with analogue indication (Spring balance-hanging scale-Dial type) of ordinary accuracy (Accuracy class-IV) and with brand name "TROPHY" (herein after referred to as the said Model), manufactured by M/s. M.K. Jain & Co., 19, Manauli House, Near Jail, Ambala City-134003, Haryana and which is assigned the approval mark IND/09/2005/895;

The said model (see the figure given below) is a mechanical spring based weighing instrument with a maximum capacity of 200 kg. and minimum capacity of 10 kg. The verification scale interval (e) is 1 kg. A dial indicates the result of measurement.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity in the range from 50 kg and upto 500kg and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 500g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved said model has been manufactured.

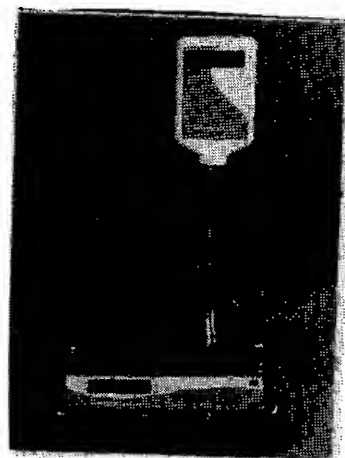
[F. No. WM-21(278)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 8 दिसम्बर, 2005

का.आ. 117. — केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सोमसंग डिजीटल स्केल, स्ट्रीट सं० 3, कृष्णा प्लाट, देवेला गेट, सावरकुण्डला, गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डब्ल्यू आई-101" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "सोमसंग" है (जिसे इसमें उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/63 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल लोड सेल आधारित दोहरी रेंज वाला तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-5} , 2×10^{-5} या 5×10^{-5} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

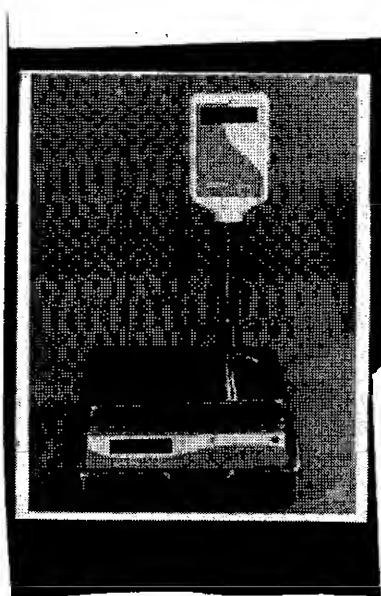
[फा. सं. डब्ल्यू एम-21(234)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th December, 2005

S.O. 117.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic (Table top type) weighing instrument with digital indication of medium accuracy (Accuracy class-III), series WI-101 and with brand name "SOMSUNG" (herein after referred to as the said Model), manufactured by M/s. Somsung Digital Scale, Street No.3, Krishna Plot, Devela Gate, Savarkundla, Gujarat and which is assigned the approval mark IND/09/2005/63;



The said Model is a load cell based dual range weighing instrument with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg. and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(234)/2002]

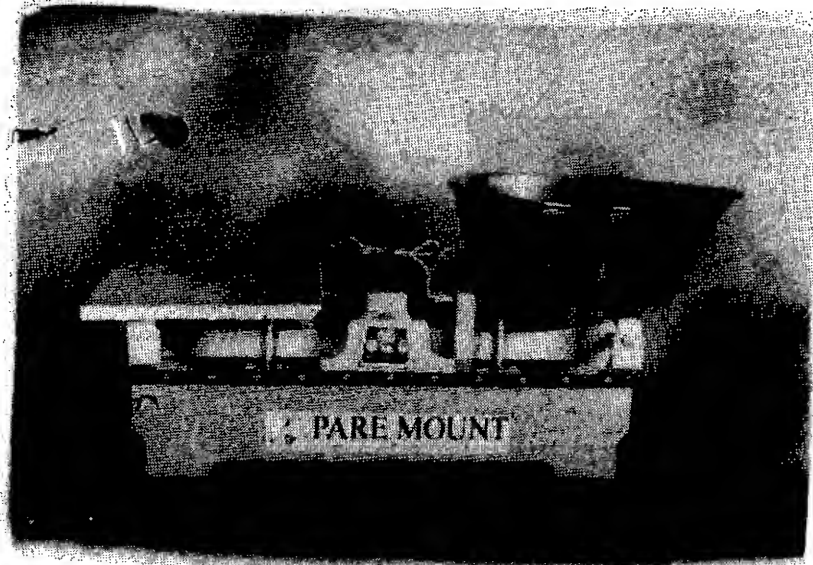
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 13 दिसम्बर, 2005

का.आ. 118.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री रंदल स्केल इण्डस्ट्रीज, कनादी नगर, रामजी मंदिर रोड, सावरकुंडला, गुजरात द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "पैरामाउंट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/455 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल काउंटर मशीन है। इसकी अधिकतम क्षमता 10 किलो ग्राम है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्राम से 50 किलोग्राम तक की अधिकतम क्षमता की रेंज वाले हैं।

[फा. सं. डब्ल्यू एम-21(283)/2004]

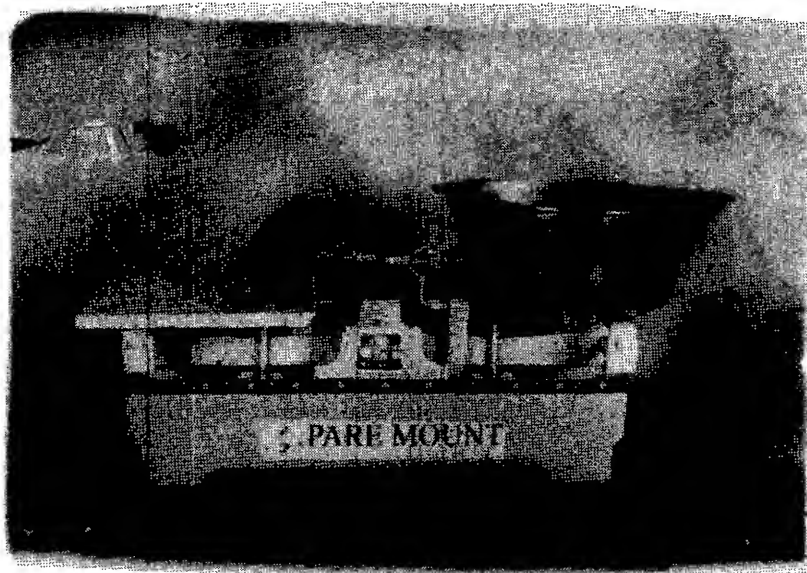
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th December, 2005

S.O. 118. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Counter Machine with brand name "PARAMOUNT" (hereinafter referred to as the said Model), manufactured by M/s. Shri Randal Scale Industries, Kanadi Nagar, Ramji Mandir Road, Savarkundla, Gujarat and which is assigned the approval mark IND/09/2005/455;

The said Model (see the figure given below) is a counter machine with maximum capacity of 10kg.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

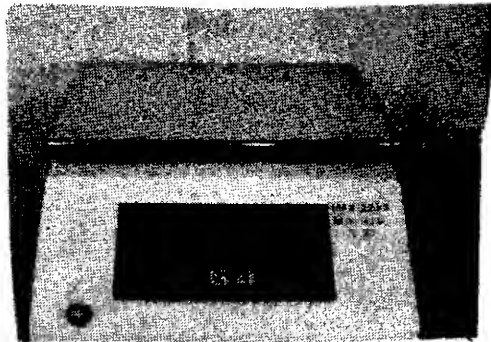
[F. No. WM-21(283)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2005

का.आ. 119. — केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मेटलर इलैक्ट्रॉनिक्स इंडिया, 120 मुक्ता जीवन, काम्पलेक्स, प्रथम तल, स्मृति मन्दिर रोड, बोडासर, अहमदाबाद- 380050 गुजरात द्वारा निर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “पी एस आई टी टी” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “साफ्ट टेक” है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/590 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 22 किलो ग्राम है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, क्षमता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 100 मि. ग्राम या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(181)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2005

S.O. 119. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model non-automatic weighing instrument (Table Top Type) with digital indication of "PSITT" series of high accuracy (accuracy class-II) and with brand name "SOFT-TEC" (hereinafter referred to as the said Model), manufactured by M/s Metlar Electronics India, 120, Mukтажivan Complex, 1st Floor, Smruti Mandir Road, Ghodasar, Ahmedabad-380050, Gujarat, and which is assigned the approval mark IND/09/05/590;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 22 kg and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(181)/2004]

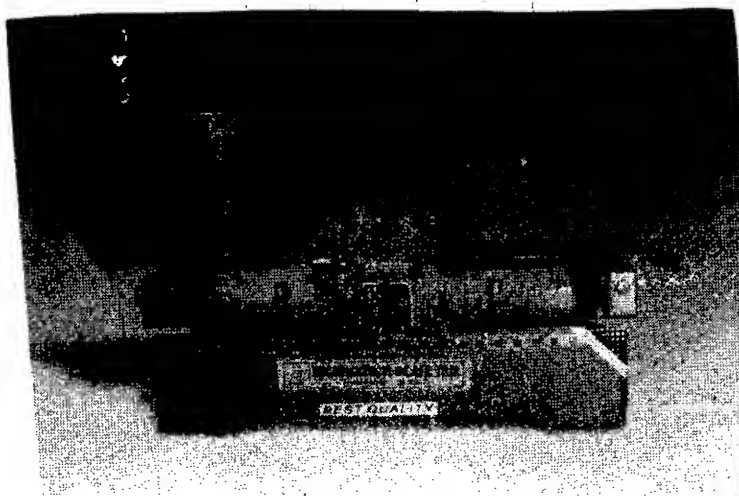
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 120. — केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स टेक्नो टैक स्केल इण्डस्ट्रीज, शाप नं. 3, सूर्यारथ अपार्टमेंट, काबडा पटेल वाड़ी, बड़ोदा एक्सप्रेस रोड, सी टी एम, अहमदाबाद (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का जिसके ब्रांड का नाम "ओम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/197 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि. ग्रा. तक की अधिकतम क्षमता की रेंज वाले हैं।

[फा. सं. डब्ल्यू एम-21(24)/2004]

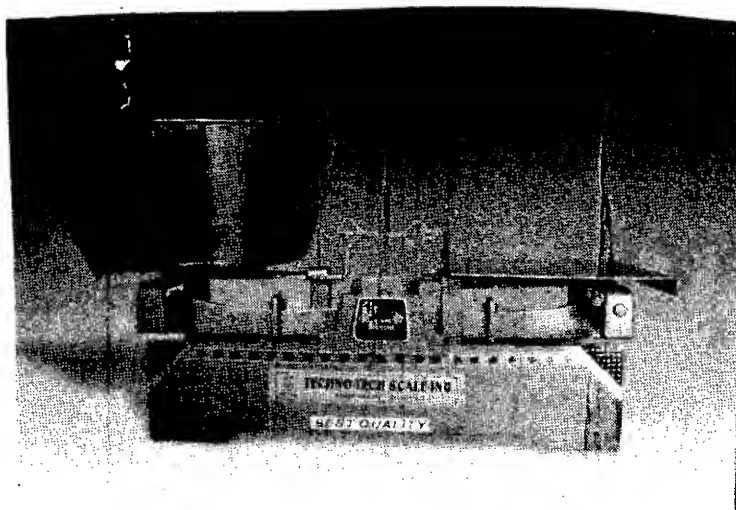
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2005

S.O. 120. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Counter Machine with brand name "OM" (hereinafter referred to as the said Model), manufactured by M/s. Techno-Tech Scale Industries, Shop No. 3, Surya Rath Appartment, Near Kadva Patel Vadi, Baroda Express Road, C.T.M., Ahmedabad, Gujarat and which is assigned the approval mark IND/09/2004/197;

The said model (see the figure given below) is a Counter Machine with maximum capacity of 10kg.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy, performance and of same series with capacity ranging from 500 g to 50 kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(24)/2004]

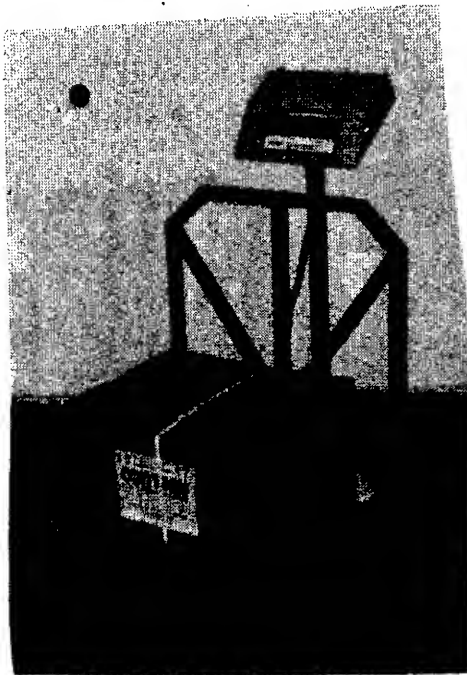
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 121. — केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स काटैक इस्ट्रूमेंट लि. 32-33, भंडप इण्डस्ट्रीयल एस्टेट, पन्नालाल सिल्क मिल्स कंपाउंड, एल बी एक मार्ग, भंडूप (वेस्ट) मुंबई-400 078 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "सी पी" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "काटैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/700 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकशित करती है;

उक्त मॉडल एक विकृत गेज प्रकार का लोड सैल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. से अधिक और 1000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(359)/2004]

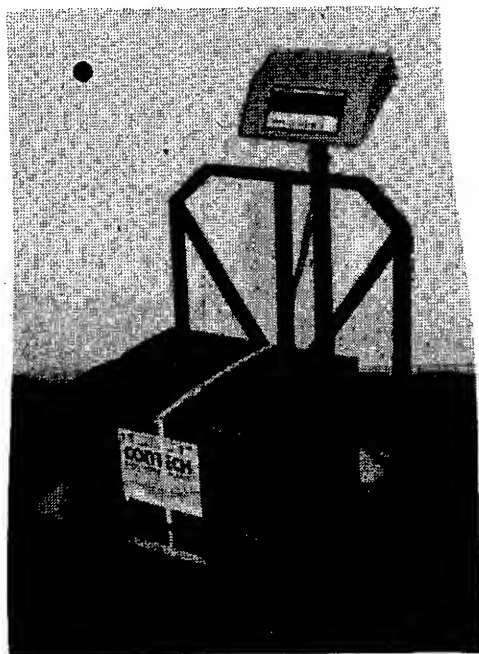
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2005

S.O. 121. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic, (Platform type) weighing instrument with digital indication of "CP" series of medium accuracy (Accuracy class-III) and with brand name "CONTECH" (herein referred to as the said model), manufactured by M/s. Contech Instruments Limited, 32-33, Bhandup Industrial Estate, Pannalal Silk Mills Compound, L.B.S. Marg, Bhandup (West), Mumbai-400 078 and which is assigned the approval mark IND/09/2005/700;

The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 300 kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with 100 per cent subtractive retained tare effect. It has also a facility to convert mass (kg) to volume litre. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg to 1000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(359)/2004]

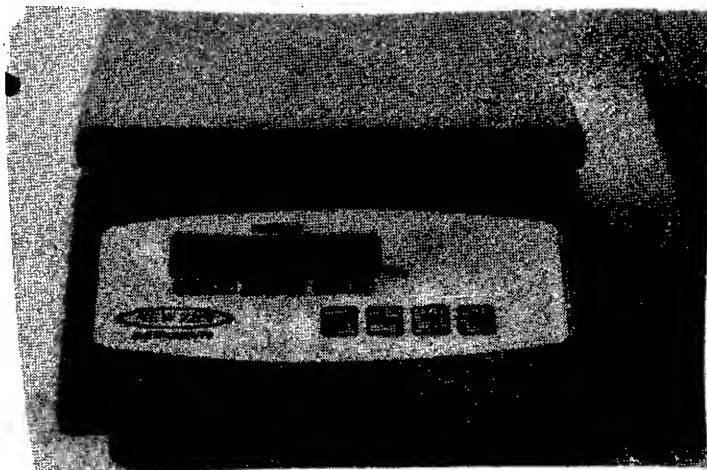
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 122.— केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स न्यू जेन इंस्ट्रूमेंट अर्बुदनगर, पंचदेव मंदिर के सामने, ऊधव, अहमदाबाद, गुजरात द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एन जेड एस-टी टी" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "न्यू जेन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/977 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) भार सेल आधारित तोलन उपकरण है इसकी अधिकतम क्षमता 22 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 2 ग्राम है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



स्टाम्पिंग प्लेट मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(138)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2005

S.O. 122. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic weighing instrument (Table Top type) with digital indication of high accuracy (Accuracy class-II) and brand name "NEW ZEN" and series "NZS-TT" (hereinafter referred to as the said Model), manufactured by M/s. New Zen Instrument, Arbudanagar, Opp. Panchdev Mandir, Odhav, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/2005/977;

The said Model (see the figure given section) is a load cell based weighing instrument with a maximum capacity of 22kg. and minimum capacity of 100kg. The verification scale interval (e) is 2g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(138)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 123. — केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स न्यू जेन इंस्ट्रूमेंट अर्बुदनगर, पंचदेव मंदिर के सामने, उन्नाव, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एन जेड एन-पी एफ" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "न्यू जेन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/978 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



स्टाम्पिंग प्लेट मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 5,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(138)/2004]

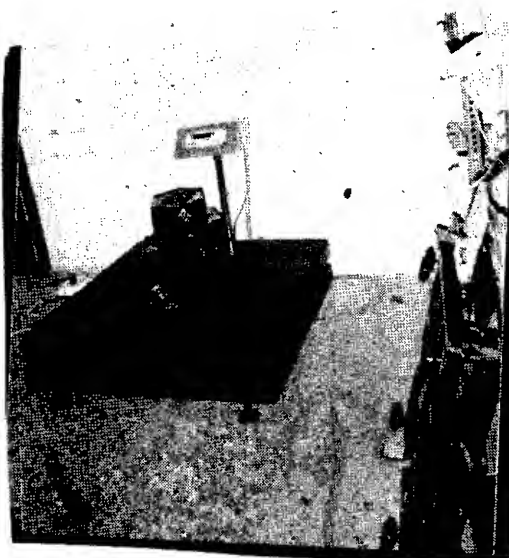
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2005

S.O. 123. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (Plat form) with digital indication of medium accuracy (Accuracy class-III) and brand "NEW ZEN" and series "NZN-PF" (hereinafter referred to as the said model), manufactured by M/s. New Zen Instrument, Arbudanagar, Opp. Panchdev Mandir, Odhav, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/2005/978;

The said model (See the figure given below) is a load cell based weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and up to 5000 kg. and with number of verification scale interval (n) in the range of 500 to 5,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(138)/2004]

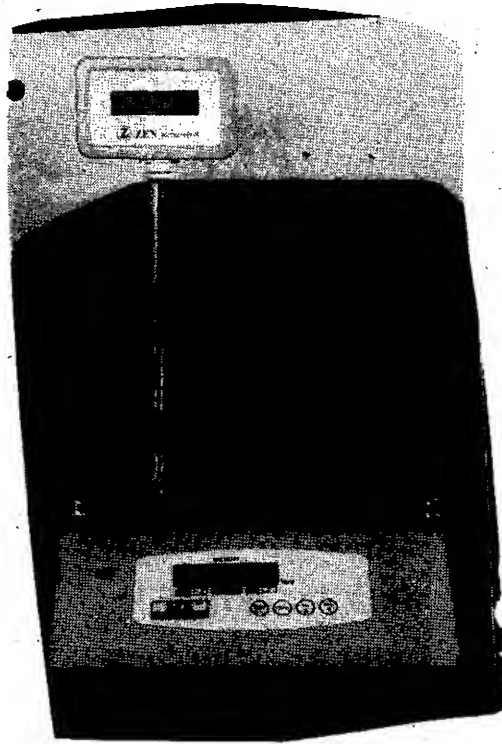
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 124. — केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स न्यू जेन इंस्ट्रूमेंट अर्बुदनगर, पंचदेव मंदिर के सामने, ऊधव, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एन जेड एन-टी टी" शृंखला के अंकक सूचन सहित अस्थचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "न्यू जेन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/979 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक भार सैल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 20 कि.ग्रा. है और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 2 ग्राम है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्राकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन अन्तराल (एन) सहित 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^0 , 2×10^0 या 5×10^0 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(138)/2004]

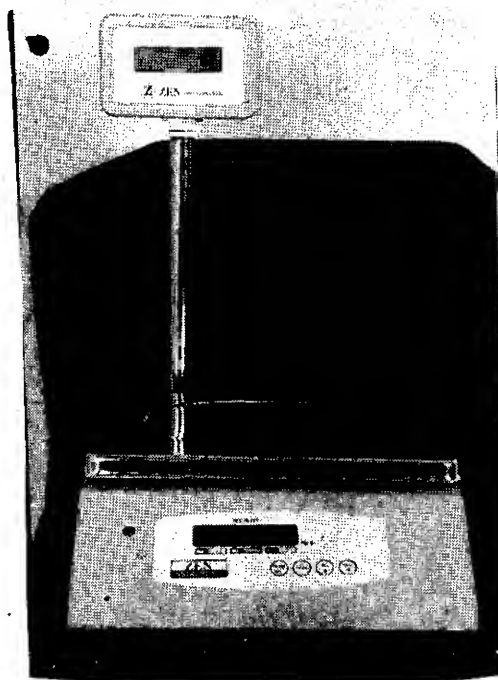
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2005

S.O. 124. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of self-indicating, non-automatic (Table type) weighing instrument with digital indication of "NZN TT" series of medium accuracy (accuracy class-III) and with brand name "NEW-ZEN" (herein referred to as the said model), manufactured by M/s. New Zen Instrument, Arbudanagar, Opp. Panchdev Mandir, Odhav, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/2005/979;

The said model (see the figure given below) is a strain gauge type load cell based type dual range weighing instrument with a maximum capacity of 20kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

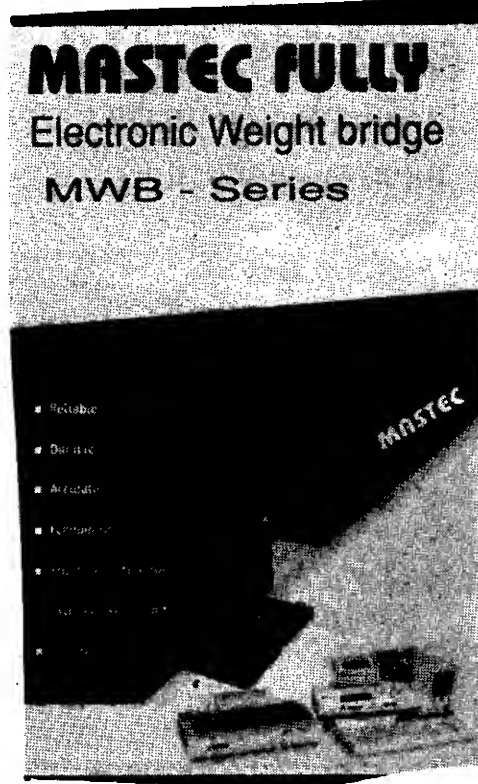
[F. No. WM-21(138)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 125.— केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मास्टेक इण्डिया, मास्टेक हाउस, क्रांति नगर, जय कृष्णा सोसायटी, इसानपुर, भदवाटनगर रोड, इसानपुर, अहमदाबाद, 382443 गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एम डब्ल्यू बी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वे ब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम “मास्टेक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/408 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। (वे ब्रिज प्रकार) है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(322)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the, 15th December, 2005

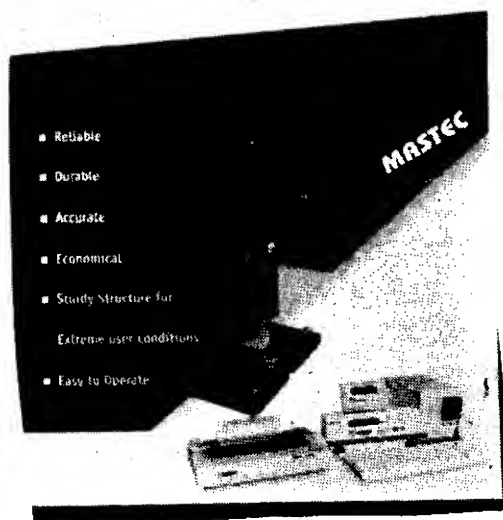
S.O. 125. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of "MWB" series of medium accuracy (Accuracy class-III) and with brand name "MASTEC" (hereinafter referred to as the said model), manufactured by M/s. Mastec India, Mastec House, Krantinagar, Opp. Jay Krishna Society, Isanpur-Bhadvatnagar Road, Isanpur, Ahmedabad-382 443, Gujarat and which is assigned the approval mark IND/09/2005/408;

MASTEC FULLY

Electronic Weight bridge

MWB - Series



The said model is a strain gauge tape load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 40 tone and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(322)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 126. — केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मास्टेक इण्डिया, मास्टेक हाउस, क्रांति नगर, जय कृष्णा सोसायटी, इसानपुर, भदवाटनगर रोड, इसानपुर, अहमदाबाद, 382443 गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एम डब्ल्यू बी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वे ब्रिज के लिए कनवर्शन किट प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मास्टेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/409 समनुदेशित किया गया है; अनुमोदन प्रमाण-पत्र जारी और प्रकशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। (वे ब्रिज के लिए कनवर्शन किट) है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोले जाने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धर्मात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

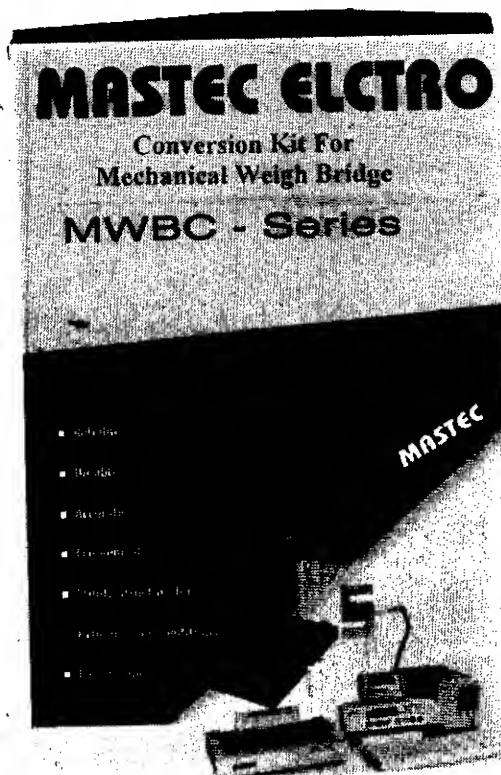
[फा. सं. डब्ल्यू एम-21(322)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the, 15th December, 2005

S.O. 126. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Conversion kit for Weighbridge) with digital indication of "MWBC" series of medium accuracy (Accuracy class-III) and with brand name "MASTEC" (hereinafter referred to as the said Model), manufactured by Ms. Mastec India, Mastec House, Křantinagar, Opp. Jay Krishna Society, Isanpur-Bhadvatnagar Road, Isanpur, Ahmedabad-382 443, Gujarat and which is assigned the approval mark IND/09/2005/409;



The said Model is a strain gauge tape load cell based weighing instrument (Conversion Kit for Weighbridge) with a maximum capacity of 30 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing, shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

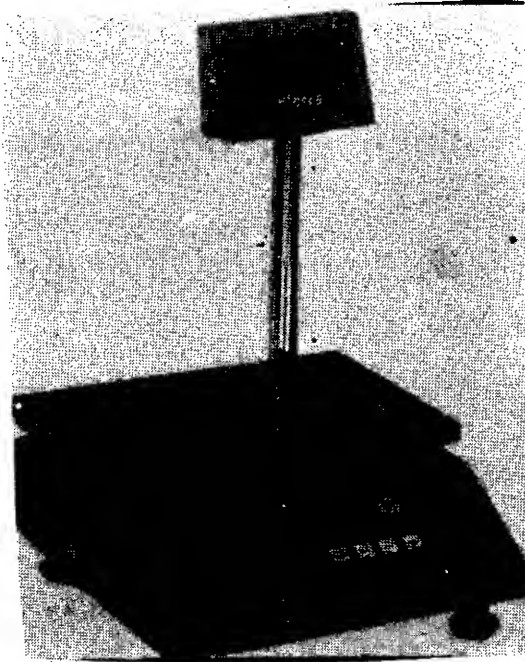
[F. No. WM-21(322)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का. आ. 127. — केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976-का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स भारती इलेक्ट्रिकल, 41, अविनाशी रोड, सिट्रा, कायम्बतूर-641014 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "वी ई टी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "विकट्रा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/17 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकशित करती है।



उक्त मॉडल विकृत गैज प्रकार का भार सेल आधारित (टेबल टाप प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(33)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 127. — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "VET" series of high accuracy (Accuracy class-II) and with brand name "VICTRA" (hereinafter referred to as the said model), manufactured by M/s. Bharathi Electrical, 41, Avinashi Road, Sitra Coimbatore-641014 and which is assigned the approval mark IND/09/05/17;



The said model is a strain gauge tape load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing, shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

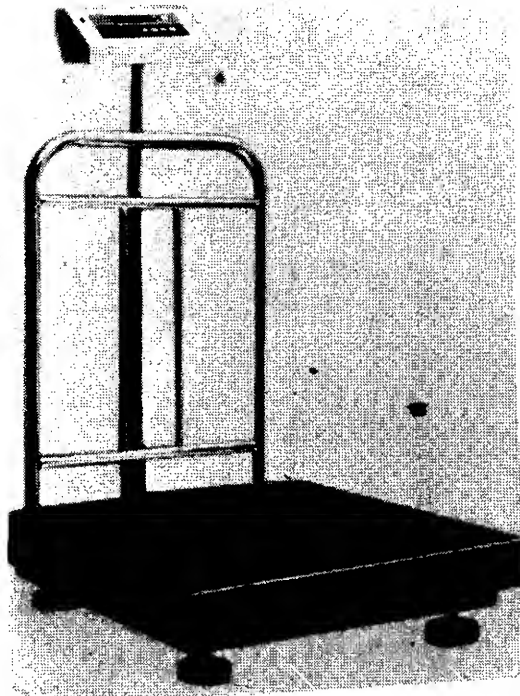
[F. No. WM-21(33)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.अ. 128.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स भारती इलेक्ट्रिकल, 41, अविनाशी रोड, सिट्रा, कोयम्बतूर-641014 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "बी ई पी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "विकेट्रा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/16 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सेल आधारित (प्लेटफार्म प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री, से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 1,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो घनात्मक या श्रृंखलात्मक पूर्णांक या शून्य के समतुल्य हैं।

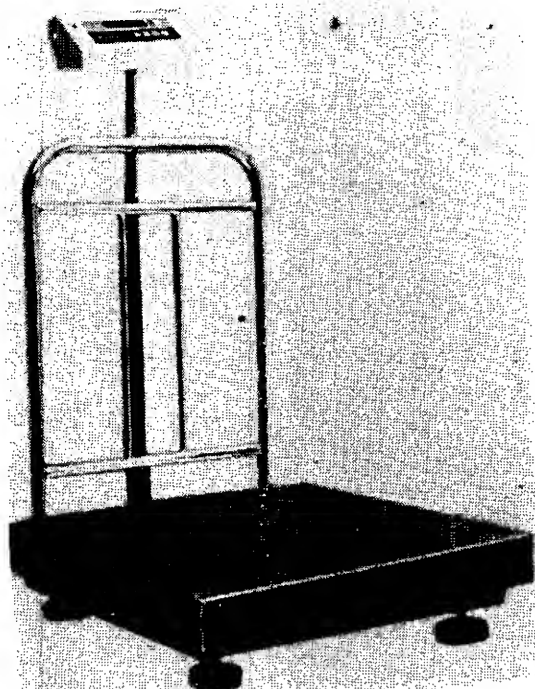
[फा. सं. डब्ल्यू एम-21(33)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 128.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model non-automatic weighing instrument (Platform type) with digital indication of "VEP" series of medium accuracy (Accuracy class-III) and with brand name "VICTRA" (hereinafter referred to as the said model), manufactured by M/s Bharathi Electrical, 41, Avinashi Road, Sitra, Coimbatore-641014 and which is assigned the approval mark IND/09/2005/16;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts; 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 1000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

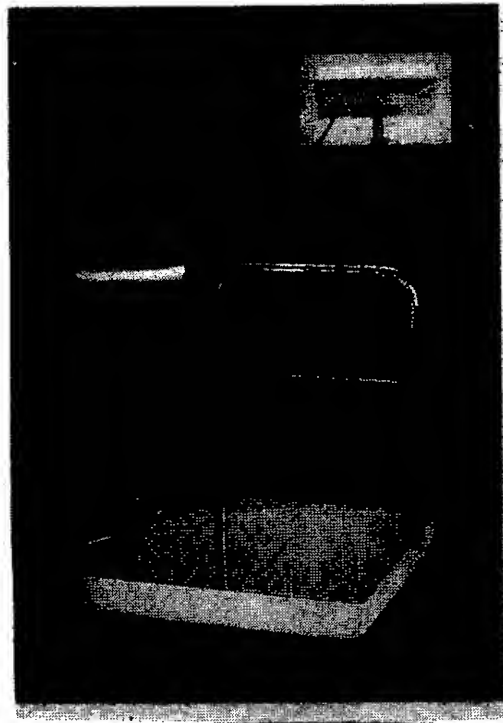
[F. No. WM-21(33)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 129.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स कड़किया इंडस्ट्रीज, नेताजी बाजार, दाहोद, गुजरात-389151 द्वारा विनिर्मित मध्यम (यथार्थता वर्ग-III) वाले "डी ई पी-500" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "दृष्टि" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/894 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए मशीन खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. से 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

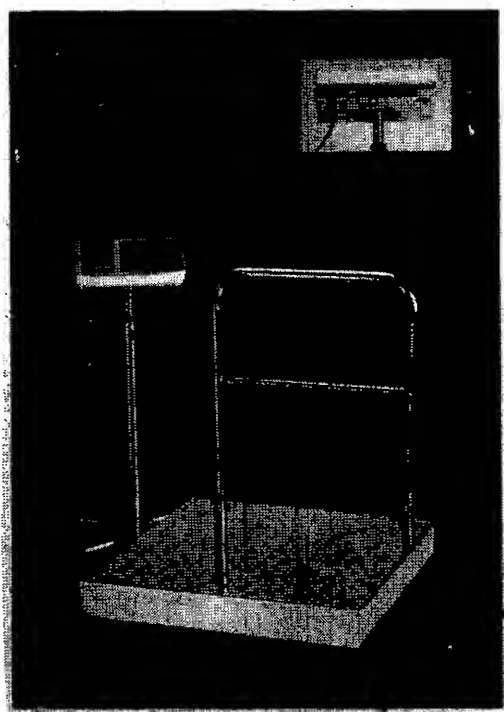
[फ़. सं. डब्ल्यू एम-21(196)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 129.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating non-automatic (Platform type) weighing instrument with digital indication of series 'DEP-500' of medium accuracy (Accuracy class-III) and with brand name "DRASHTI" (herein after referred to as the said model), manufactured by M/s. Kadakiya Industries, Netaji Bazar, Dahod, Gujarat-389151 and which is assigned the approval mark IND/09/2005/894;



The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 500kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply;

In addition to scaling the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg and up to 1000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(196)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 130.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वुलुन पावरटेक प्राइवेट लिमिटेड, प्रथम तल, प्लाट सं. 240-242, हनुमान मंदिर के सामने, चिन्ना थोकट्टा, न्यू बोवैनपल्ली, सिकन्दराबाद, आंध्र प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "डी आई जे-30" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम "डिजिटल कनैक्शन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/994 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए मशीन खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक 'ई' मान के लिए 100 से 5000 तक की रेंज में सत्यापन अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फ़. सं. डब्ल्यू एम-21(187)/2003]

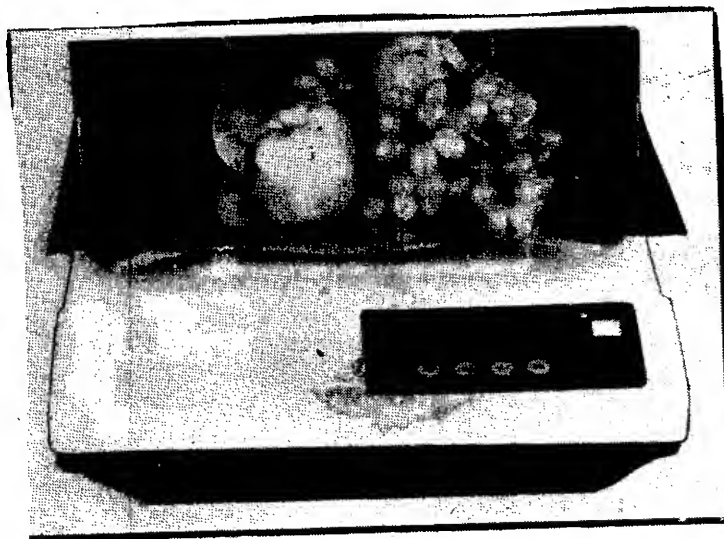
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 130.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of series "DIJ-30" series of high accuracy (accuracy class-II) and with brand name "DIGITAL CONNECTIONZ" (herein after referred to as the said model), manufactured by M/s Vulun Powertech Pvt. Ltd., 1st Floor, Plot No. 240—242, Opp. Hanuman Temple, Chinna Thokatta, New Bowenpally, Secunderabad, A.P. and which is assigned the approval mark IND/09/05/994;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(187)/2003]

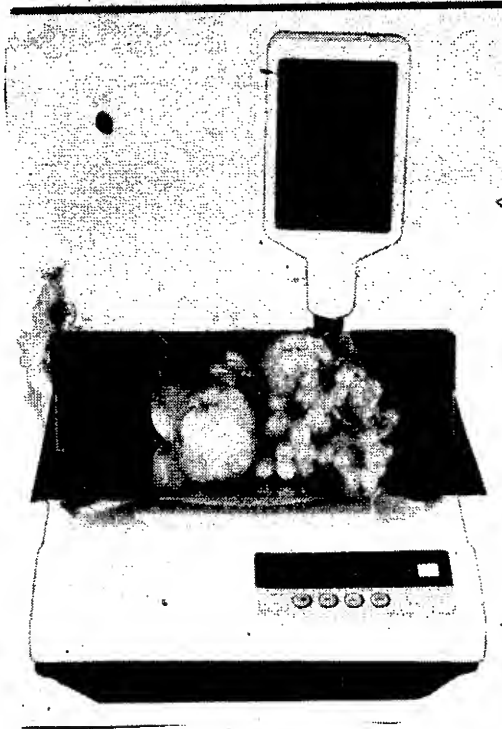
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 131.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वुलुन पावरटैक प्राइवेट लिमिटेड, प्रथम तल, प्लॉट सं. 240-242, हनुमान मंड़िर के सामने, चिन्ना थोकट्टा, न्यू बोवेनपल्ली, सिकन्दराबाद, आंध्र प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डी ई आई टी-30" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम "डिजिटल कनैक्शन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/995 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 15 कि. ग्राम और न्यूनतम क्षमता 40 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांक के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्र. से 2 ग्र. तक 'ई' मान के लिए 100 से 10000 तक की रेंज में सत्यापन अंतराल (एन) और 5 ग्र. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्र. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

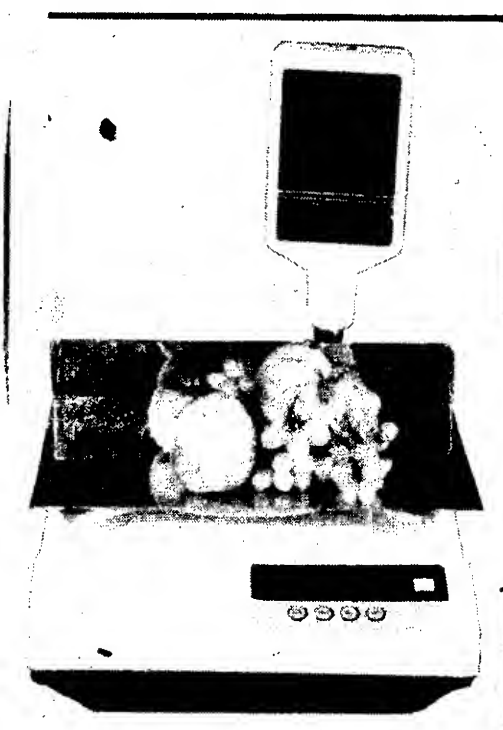
[फा. सं. डब्ल्यू एम-21(187)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 131.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) weighing instrument with digital indication of "DIT-30" series of high accuracy (accuracy class-III) and with brand name "DIGITAL CONNECTIONZ" (herein after referred to as the said model), manufactured by M/s Vulun Powertech Pvt. Ltd., 1st Floor, Plot No. 240-242, Opp. Hanuman Temple, Chinna Thokatta, New Bowenpally, Secunderabad, A.P. and which is assigned the approval mark IND/09/05/995;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 15kg and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10000 for e value of 100mg to 2mg or with verification scale interval (n) in the range of 500 to 10,000 for e value of 5g or more and with e value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(187)/2003]

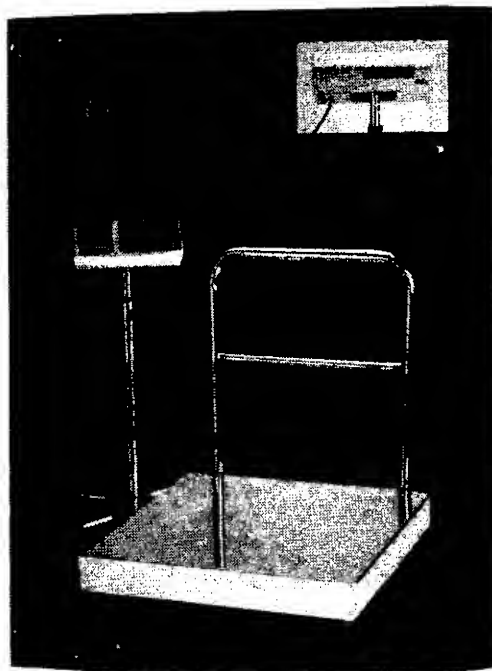
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 132.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वुलुन पावरटैक प्राइवेट लिमिटेड, प्रथम तल, प्लॉट सं. 240-242, हनुमान मंदिर के सामने, चिन्ना थोकट्टा, न्यू बोवेनपल्ली, सिकन्दराबाद, आंध्र प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “डी आई पी-500” श्रृंखला के अंकक सूचन सहित स्वतःसूचक अस्वचालित तोलन उपकरण (प्लेट फॉर्म प्रकार) के मॉडल का जिसके ब्रांड का नाम “डिजीटल कनैक्शन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/996 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेट फॉर्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि. ग्राम और न्यूनतम क्षमता 2 कि. ग्राम है। सत्यापन मापमान अंतराल (ई) 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के ‘ई’ मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और ‘ई’ मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(187)/2003]

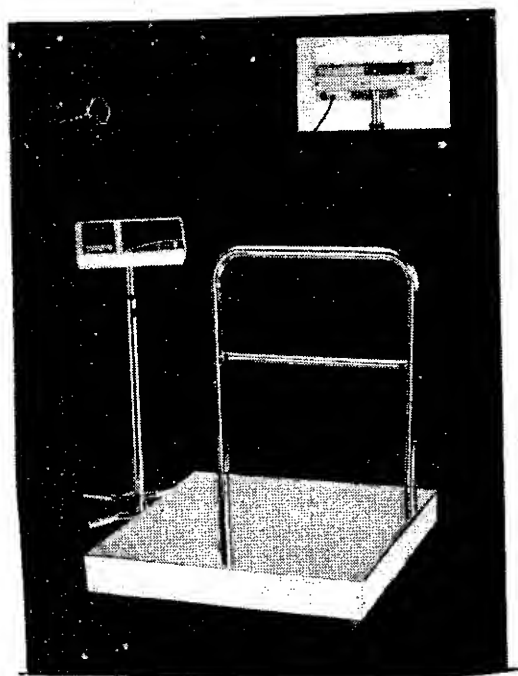
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 132 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic, (Platform type) weighing instrument with digital indication of "DIT-500" series of medium accuracy (Accuracy class-III) and with brand name "DIGITAL CONNECTIONZ" (herein after referred to as the said model), manufactured by M/s Vulun Powertech Pvt. Ltd., 1st Floor, Plot No. 240-242, Opp. Hanuman Temple, Chinna Thokatta, New Bowenpally, Secunderabad, A.P. and which is assigned the approval mark IND/09/2005/996;

The said model (see the figure given below) is a strain guage type load cell based weighing instrument with a maximum capacity of 500kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg and up to 1000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(187)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 133.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रेसिडेंट स्केल इण्डस्ट्रीज, 5, 3-513, बी बी बिल्डिंग, ओस्मानगंज के सामने, पुराना तोपखाना रोड, हैदराबाद-500012 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "पी एस आई टी-11" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के माडल का जिसके ब्रांड का नाम "प्रेसीडेंट" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/601 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित तोलन उपकरण (टेबल टोप प्रकार का) है। इसकी अधिकतम क्षमता 11 कि. ग्राम और न्यूनतम क्षमता 50 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाज्य है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक 'ई' मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मि.ग्रा. या उससे अधिक के 'ई' मान के लिए 50,000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

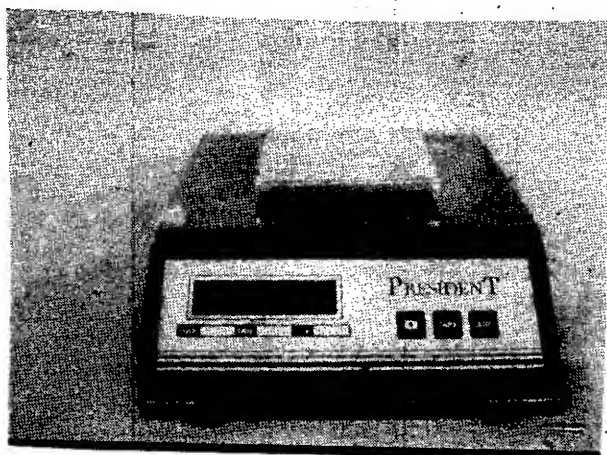
[फा. सं. डब्ल्यू एम-21(244)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 133.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "PSITT-11" series of high accuracy (Accuracy class-II) and with brand name "PRESIDENT" (herein after referred to as the said model), manufactured by M/s. President Scale Industries, 5-3-515, B. B. Building, Opp. Osmangunj, Old Topkhana Road, Hyderabad-500012, (A.P.) and which is assigned the approval mark IND/09/05/601;



The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 11kg. and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg. and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(244)/2003]

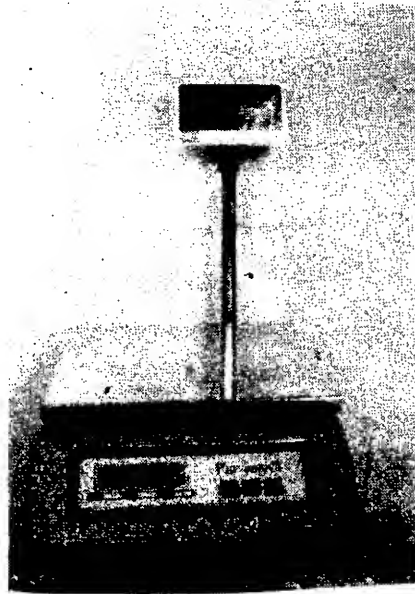
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 134.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रेसिडेंट स्केल इण्डस्ट्रीज, 5-3-513, बी बी बिल्डिंग, ओस्मानगंज के सामने, पुराना तोपखाना रोड, हैदराबाद-500012 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "पी एस आई टी टी-30" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के माडल का, जिसके ब्रांड का नाम "प्रेसीडेंट" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/602 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आभेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आभेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक 'ई' मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(244)/2003]

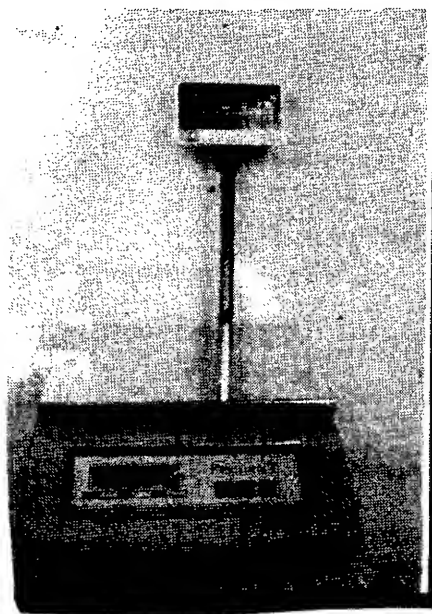
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 134.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "PSITT-30" series of medium accuracy (accuracy class-III) and with brand name "PRESIDENT" (herein after referred to as the said model), manufactured by M/s. President Scale Industries, 5-3-515, B. B. Building, Opp. Osmangunj, Old Topkhana Road, Hyderabad-500012, (A.P.) and which is assigned the approval mark IND/09/05/602;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to scaling the stamping plate, scaling shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2 g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(244)/2003]

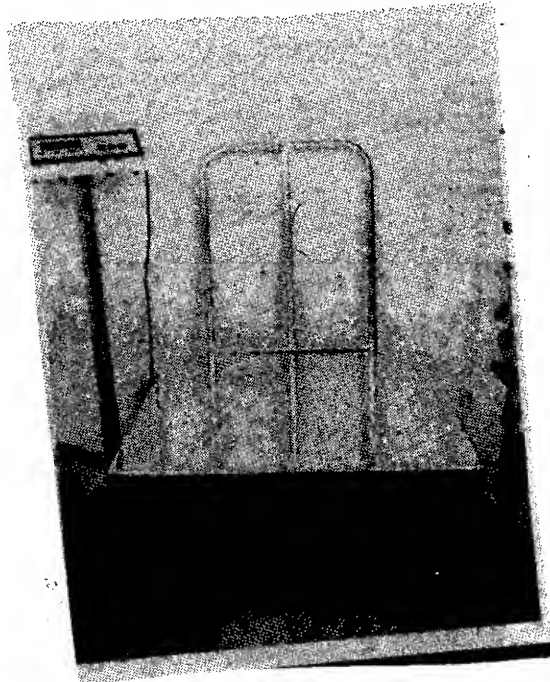
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 135.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्रसिडेंट स्केल इण्डस्ट्रीज, 5-3-513, बी बी बिल्डिंग, ओस्मानगंज के सामने, पुराना तोपखाना रोड, हैदराबाद-500012 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-III) वाले "पी एस आई पी एफ-1100" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "प्रेसिडेंट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/603 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) का तोलन उपकरण है। इसकी अधिकतम क्षमता 1100 कि.ग्रा. और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री, से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(244)/2003]

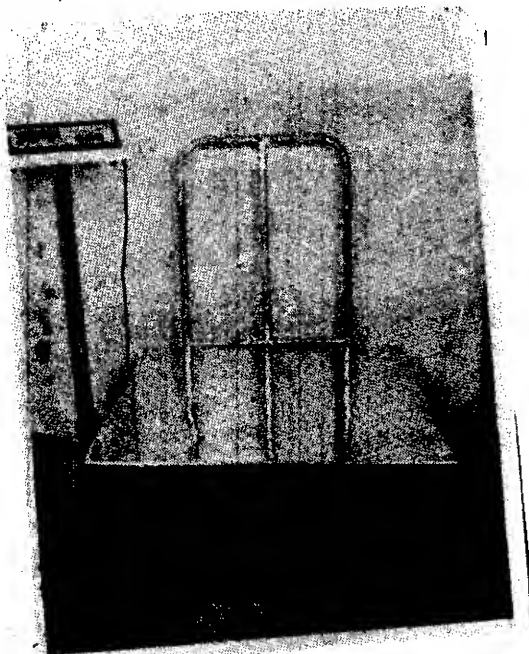
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 135.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of the self indicating, non-automatic, (Platform type) weighing instrument with digital indication of "PSIPF-500" series of medium accuracy (Accuracy class-III) and with brand name "PRESIDENT" (hereinafter referred to as the said model), manufactured by M/s. President Scale Industries, 5-3-515, B. B. Building, Opp. Osmangunj, Old Topkhana Road, Hyderabad-500 012, (A.P.) and which is assigned the approval mark IND/09/05/604;

The said model (See the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 500 kg. and minimum capacity of 1 kg. The verification scale interval (e) is 50g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternate current power supply.



In addition to scaling the stamping plate, scaling shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and upto 100 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(244)/2003]

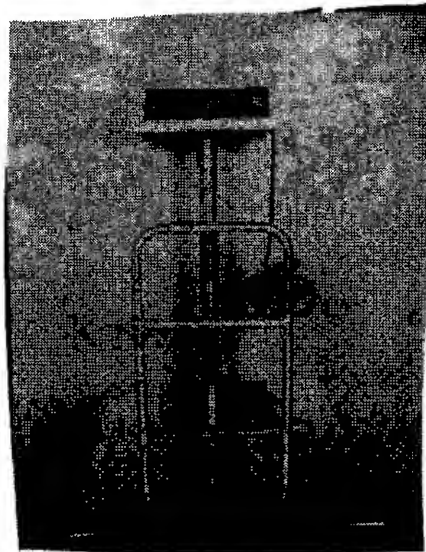
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 136.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्रेसिडेंट स्केल इण्डस्ट्रीज, 5-3-515 बी बी बिल्डिंग, ओस्मानगंज के सामने, पुराना तोपखाना रोड, हैदराबाद-500012 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-II) वाले "पी एस आई पी एफ-500" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "प्रेसिडेंट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/603 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अङ्गगत उसी विनिर्माता द्वारा उसी विद्वान्, डिजाइन के अनुसार और उसी सामग्री, से जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. से अधिक और 1,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फ़. सं. डब्ल्यू एम-21(244)/2003]

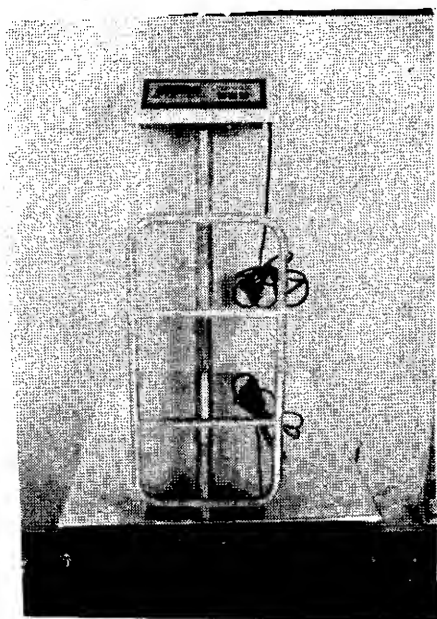
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 136.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic, weighing instrument (Platform type) with digital indication of "PSIPF-1100" series of high accuracy (Accuracy class-II) and with brand name "PRESIDENT" (herein after referred to as the said Model), manufactured by M/s. President Scale Industries, 5-3-515, B. B. Building, Opp. Osmangunj, Old Topkhana Road, Hyderabad-500 012, (A.P.) and which is assigned the approval mark IND/09/05/603;

The said Model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1100kg. and minimum capacity of 5kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



In addition to sealing stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity ranging above 50kg. to 5000kg. and with number of verification scale interval (n) in the range of 50,00k g. to 50,000. for 'e' value of 100 mg. g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(244)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 137.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अनीता स्केल कंपनी, 4402/3, नहान हाऊस के पास, अम्बाला शहर, 134003 हरियाणा द्वारा निर्मित सामान्य यथार्थता वर्ग (यथार्थता वर्ग-II) के सादृश्य सूचन सहित अस्वचालित तोलन उपकरण (लटकने वाला कमानीदार तुला प्रकार) के मॉडल का, जिसके ब्रांड का नाम "तुला-लक्ष्मी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/479 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक लटकने वाले प्रकार का स्प्रिंग आधारित सादृश्य सूचन सहित अस्वचालित सादृश्य तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 500 ग्रा. है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 1,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-5} , 2×10^{-5} या 5×10^{-5} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फ़. सं. डब्ल्यू एम-21(344)/2004]

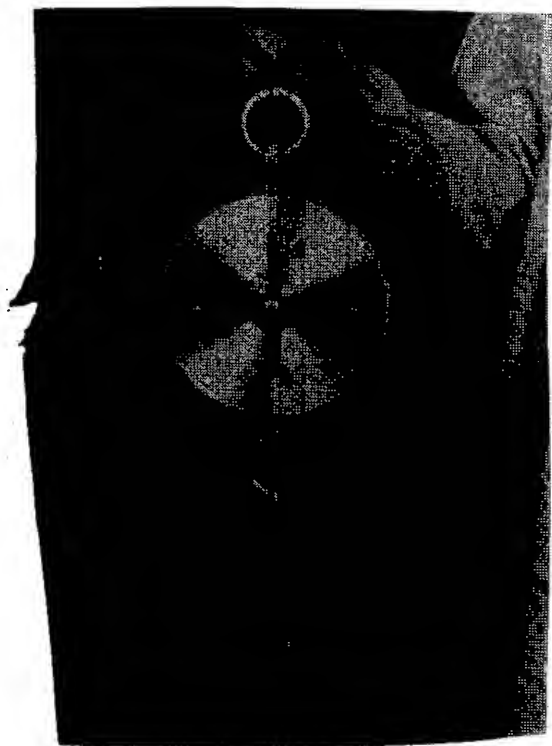
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 137.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic, weighing instrument (Spring balance hanging type) with analogue indication of ordinary accuracy (Accuracy class-II) and with brand name "TULA-LAXMI" (herein after referred to as the said Model), manufactured by M/s. Anita Scale Company, 4402/3, Near Nahan House, Ambala City-134 003, Haryana and which is assigned the approval mark IND/09/05/479;

The said Model (see the figure given below) is a hanging type spring based non-automatic analogue weighing instrument with analogue indication and of a maximum capacity of 100 kg. and minimum capacity of 5 kg. The verification scale interval (e) is 500 g.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity in range 50 kg. to 300 kg. and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 500 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(344)/2004]

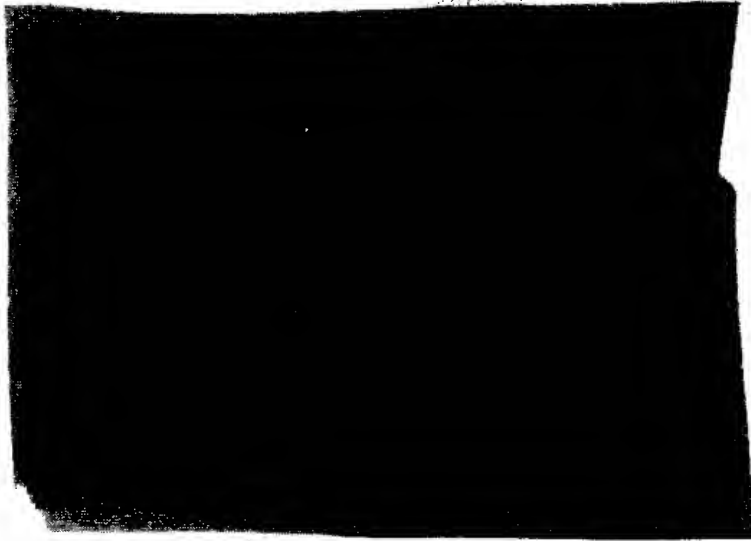
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.अ. 138.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एस्सार पेंटागन सिस्टम्स, 9-ए, पावे हनुमंत अप्पर सेंट कामराज सालाथ, मयूरई-9 द्वारा विनिर्मित उक्त यथार्थता (यथार्थता वर्ग-II) वाले "एस बी एस टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "पेंटागन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन बिड आई एन डी/09/2005/751 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्राम और न्यूनतम क्षमता 40 ग्राम है। स्थापन मापमान अंतराल (ई) 2ग्रा. है। इसमें एक आधेवृत्त मुक्ति है जिसका शत प्रतिशत व्यकलात्मक भारित आधेवृत्त प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपलब्ध करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 ग्राम तक "ई" मान के लिए 100 से 5000 तक के रेंज में स्थापन अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में स्थापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(87)2005]

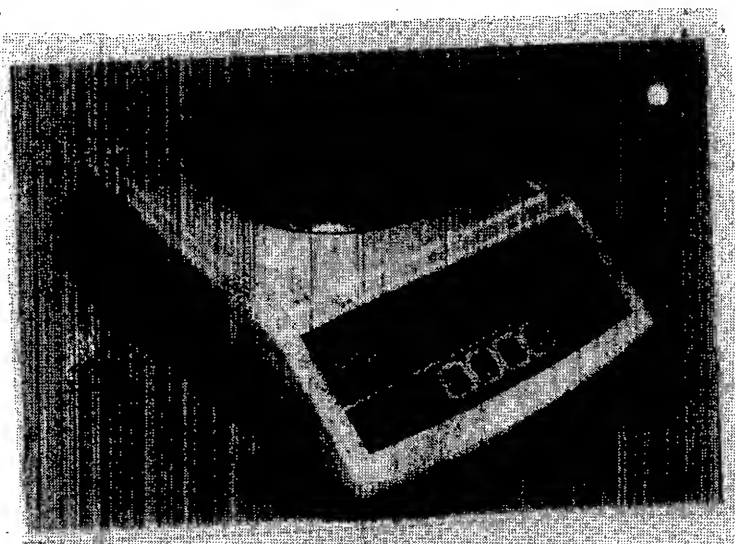
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 138.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of the non-automatic weighing instrument (Table top type) and with digital indication of "SBS-T" series of high accuracy (Accuracy class-II) and with brand name "PENTAGON" (herein after referred to as the said model), manufactured by M/s. Essar Pentagon Systems, 9-A, Padhe Hanumantha Iyer St., Kamarajar Salai, Madurai-9 and which is assigned the approval mark IND/09/2005/751;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1 mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principal, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(87)/2005]

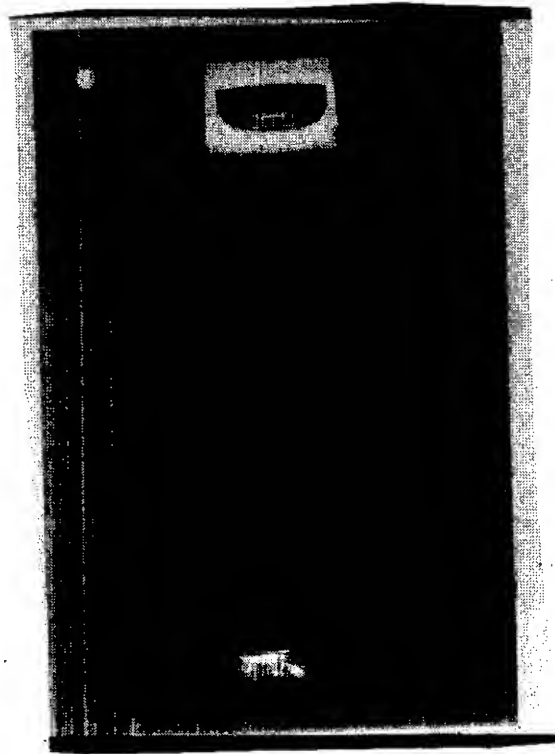
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 139.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एस्सार पेंटागन सिस्टम्स, 9-ए, पाधे हनुमंत अय्यर सेंट कामराज सालाय, मदुरई-9 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एस बी एस पी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "पेंटागन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/752 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेट फार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 600 कि. ग्राम और न्यूनतम क्षमता 1 कि. ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलानात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50000 तक की रेंज में सत्यापन अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(87)/2005]

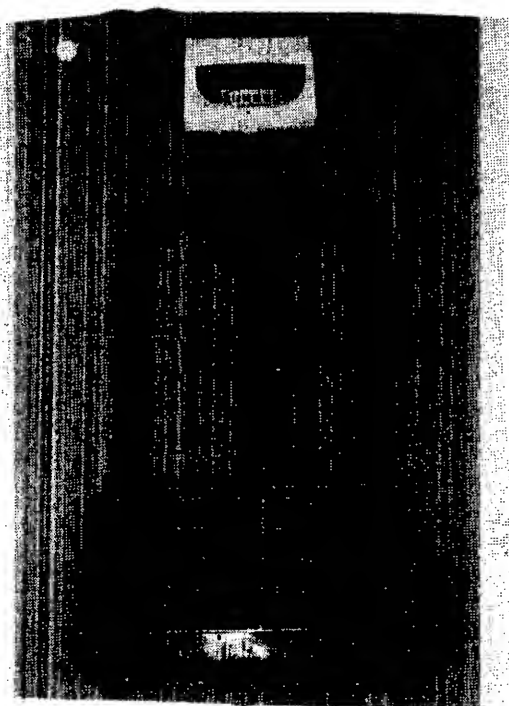
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 139.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic, weighing instrument (Platform type) with digital indication of "SBS-P" series of high accuracy (Accuracy Class-II) and with brand name "PENTAGON" (herein after referred to as the said model), manufactured by M/s. Essar Pentagon Systems, 9-A, Padhe Hanumantha Iyer St., Kamarajar Salai, Madurai-9 and which is assigned the approval mark IND/09/2005/752;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 600kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity ranging above 50 kg. to 1000 kg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(87)/2005]

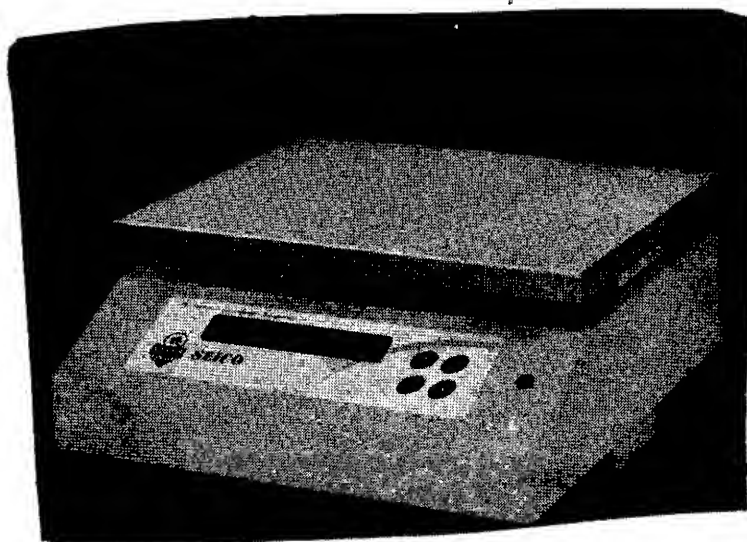
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 140.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सीको इण्डिया, मकान सं. 69, आर के नगर, सोसायटी नं. 2, मोरवाडी, ताल करवर, कोल्हापुर, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "सीको इन्ड" शृंखला के स्वतः सूचक, अस्वचालित अंकक सूचन सहित (टेबल टॉप प्रकार) का तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम "सीको इन्डिया" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/177 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 15 कि.ग्राम और न्यूनतम क्षमता 50 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलानात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सील की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(100)/2003]

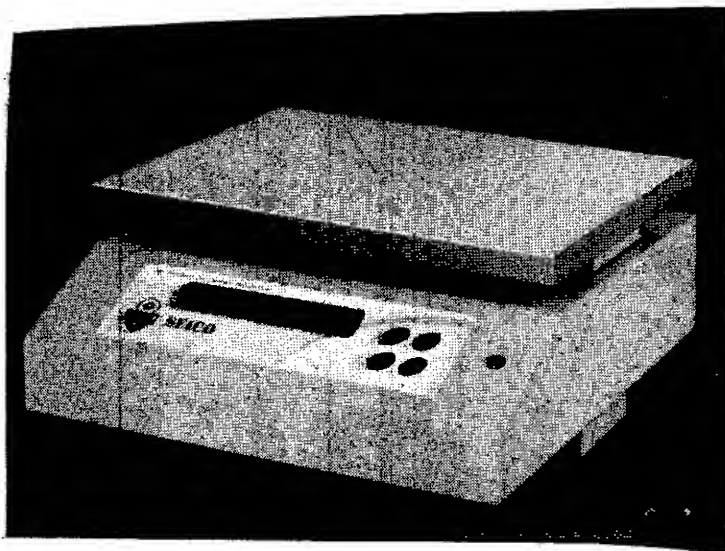
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 140.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic, weighing instrument (Table top type) with digital indication of "SEICO-IND" series of high accuracy (Accuracy Class-II) and with brand name "SEICO INDIA" (herein referred to as the said Model), manufactured by M/s. Seico India, House No. 69, R.K. Nagar Soc. No. 2, Morewadi, Tal-Karver, Kolhapur, Maharashtra and which is assigned the approval mark IND/09/2004/177;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 15 kg. and minimum capacity of 50 g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. and 50 mg. and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k, is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(100)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 141.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सीको इण्डिया, मकान सं. 69, आर के नगर, सोसायटी नं. 2, मोरवाडी, ताल करवर, कोल्हापुर, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "सीको इन्ड-पी टी" शृंखला के स्वतः सूचक, अस्वचालित अंकक सूचन सहित (प्लेटफार्म प्रकार) का तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम "सीको इण्डिया" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/178 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण का, (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 60 कि. ग्राम और न्यूनतम क्षमता 250 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबंद की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि. ग्रा. से अधिक और 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(100)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 141.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic, weighing instrument (Platform type) with digital indication of "SEICO-IND-PT" series of high accuracy (accuracy class-II) and with brand name "SEICO INDIA" (herein after referred to as the said model), manufactured by M/s. Seico India, House No. 69, R.K. Nagar Soc. No. 2, Morewadi, Talk-Karver, Kolhapur, Maharashtra and which is assigned the approval mark IND/09/2004/178;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 60 kg. and minimum capacity of 250 g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 300 kg. with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(100)/2003]

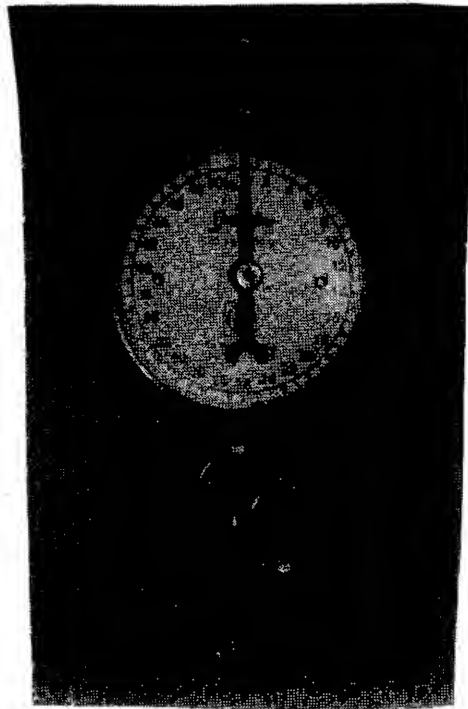
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

क्रा.आ. 142.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स हाबसन इण्डिया, 138ए, पंजाबी बाग, अम्बाला छावनी, हरियाणा द्वारा निर्मित सामान्य यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "स्प्रिंग किंग" शृंखला के सादृश्य सूचन सहित अस्वचालित तोलन उपकरण (लटकने वाला कमानीदार तुला प्रकार) के मॉडल का, जिसके ब्रांड का नाम "हाबसन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/482 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) सादृश्य सूचन सहित स्प्रिंग आधारित अस्वचालित लटकने वाले प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 10 कि.ग्रा. है। स्थापन मापमान अन्तराल (ई) का मान 1 कि.ग्रा. है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्राम या उससे अधिक के "ई" मान के लिए 100 से 1000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 500 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(350)/2004]

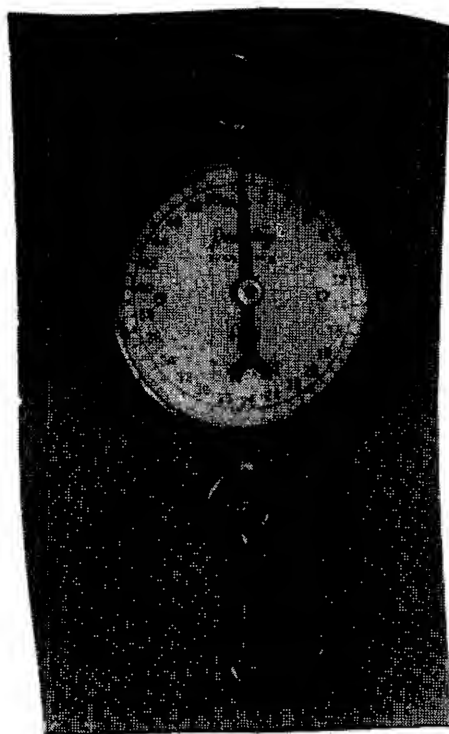
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 142.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Spring balance hanging type) with analogue indication of ordinary accuracy (accuracy class III) of series "Spring King" and with brand name "HABSON" (herein referred to as the said Model), manufactured by M/s. "Habson India, 138-A, Punjabi Bagh, Ambala Cant, Haryana and which is assigned the approval mark IND/09/05/482;

The said model (see the figure given below) is a hanging type spring based non-automatic analogue weighing instrument with analogue indication and of a maximum capacity of 200 kg. and minimum capacity of 10 kg. The verification scale interval (e) is 1 kg.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity in the range of 50 kg. to 500 kg. and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 500g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(350)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 143.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एलप्रो इंजीनियर्स, सं. 4, सेलार, शुभलक्ष्मी काम्पलेक्स, नरानपुरा, अहमदाबाद द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डीगी तूला" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (क्रेन प्रकार) के मॉडल का, जिसके ब्रांड का नाम "डीगी तूला" है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/599 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (क्रेन प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 1500 कि. ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(159)/2004]

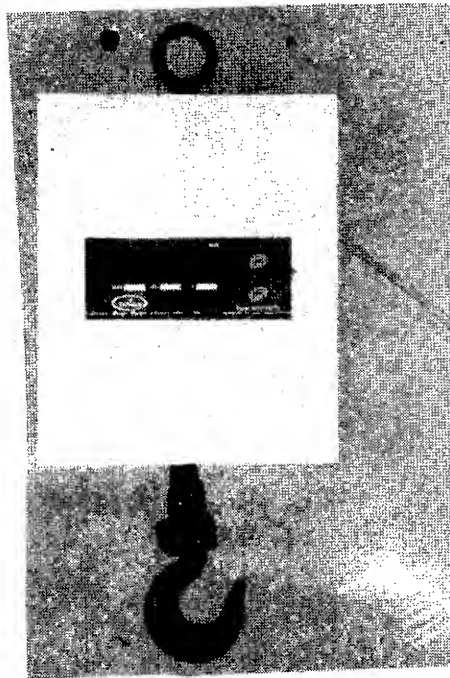
पी. ए. कृष्णामूर्ति, निर्देशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 143.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Crane type) with digital indication of "Digi Toola" series of medium accuracy (accuracy class-III) and with brand name "Digi Toola" (hereinafter referred to as the said Model), manufactured by M/s. Elpro Engineers, No: 4, Cellar, Sublaxmi Complex, Naranpura, Ahmedabad and which is assigned the approval mark IND/09/05/599;

The said model is strain gauge type load cell based non-automatic weighing instrument (Crane type) with a maximum capacity of 1500 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

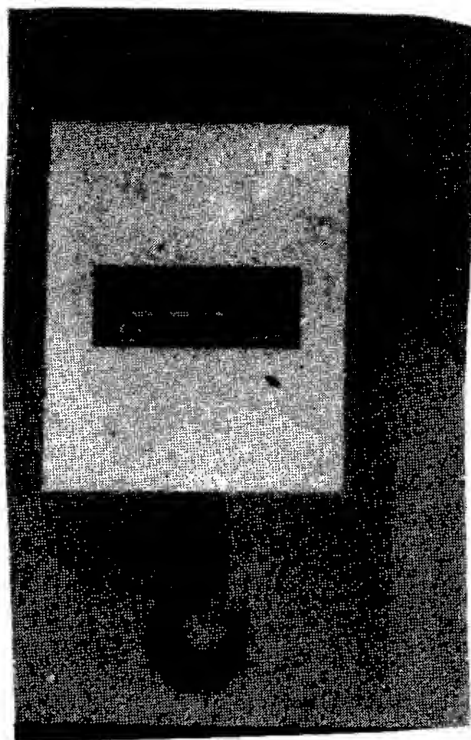
[F. No. WM-21(159)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 144.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एलप्रो इंजीनियर्स, सं. 4, सेलर, शुभलक्ष्मी काम्पलेक्स, नरानपुरा, अहमदाबाद द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डीगी तूला" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (लटकने वाला प्रकार) के मॉडल का, जिसके ब्रांड का नाम "डीगी तूला" है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/600 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (लटकने वाला) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि. ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^5 , 2×10^5 या 5×10^5 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

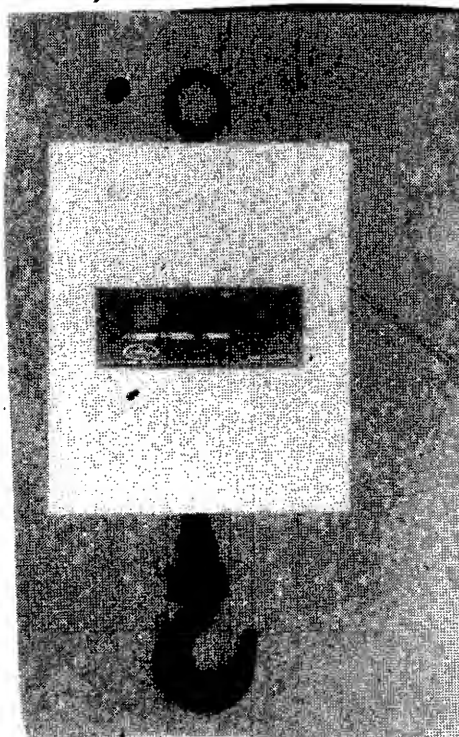
[फा. सं. डब्ल्यू एम-21(159)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 144.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Hanging type) with digital indication of "Digi Toola" series of medium accuracy (accuracy class-III) and with brand name "Digi Toola" (hereinafter referred to as the said Model), manufactured by M/s Elpro Engineers, No. 4, Cellar, Sublaxmi Complex, Naranpura, Ahmedabad and which is assigned the approval mark IND/09/05/600;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Hanging type) with a maximum capacity of 300 kg and minimum capacity of 1kg. The verification scale interval (e) is 50 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 1000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'c' value of 5g or more and with 'c' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(159)/2004]

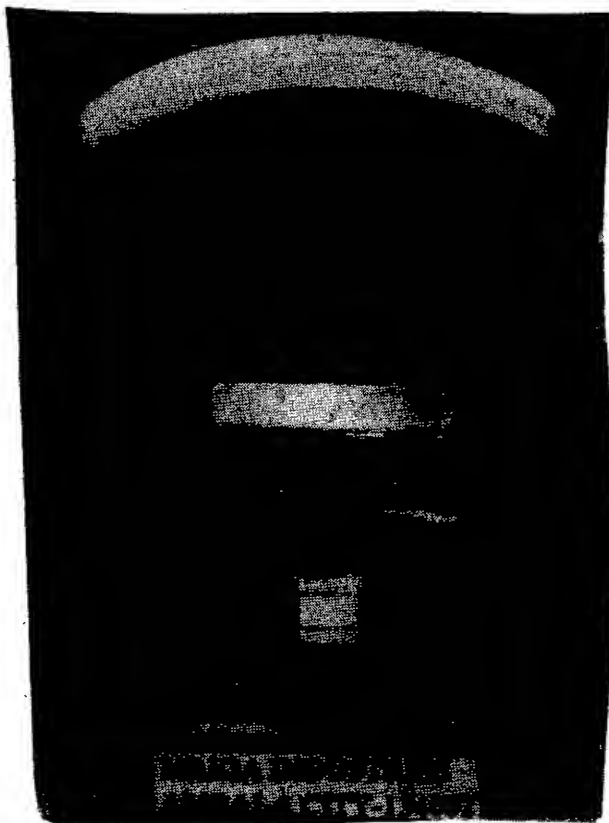
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 145.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मिरगा इण्डस्ट्रीज, गांव नसीरपुर, हिसार रोड अम्बाला शहर, हरियाणा द्वारा निर्मित सामान्य यथार्थता वर्ग (यथार्थता वर्ग-IV) के सादृश्य सूचन सहित अस्वचालित तोलन उपकरण (सैल्फ इन्डीकेटिंग प्रकार) के मॉडल का, जिसका ब्रांड का नाम "मिरगा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/481 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक लीवर आधारित सादृश्य सूचन सहित तोलन उपकरण है। इसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है।



स्टाम्पिंग प्लेट के मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 100 से 1000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फ़ सं डब्ल्यू एम-21(364)/2004]

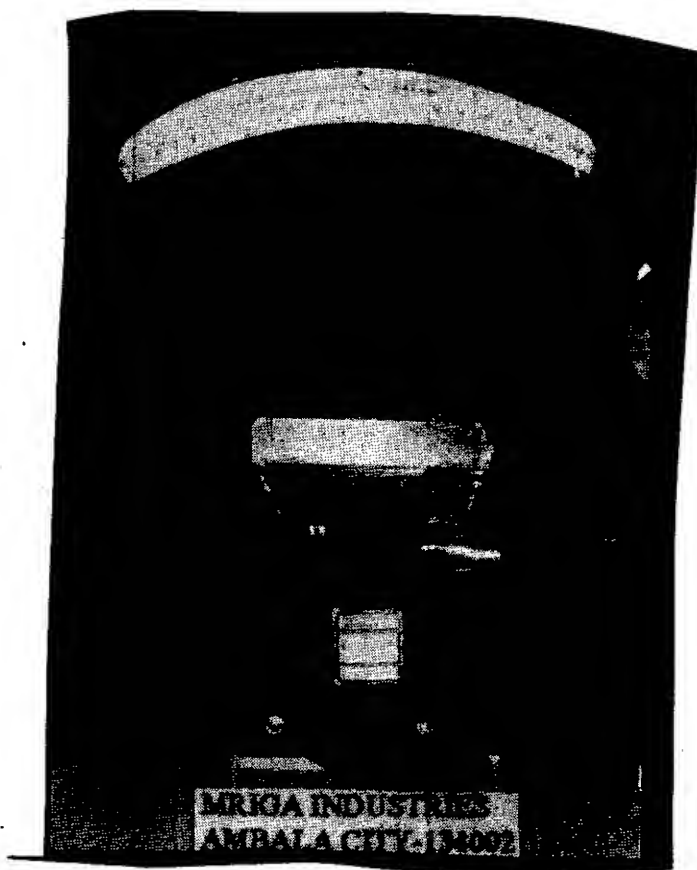
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2005

S.O. 145.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (self indicating type) with analogue indication of ordinary accuracy (accuracy class IV) and with issues and brand name "MIRGA" (herein referred to as the said Model), manufactured by M/s Mriga Industries, Village-Nasirpur, Hissar Road, Ambala City, Haryana-134002 and which is assigned the approval mark IND/09/05/481;

The said model (see the figure given below) is a lever based non-automatic analogue weighing instrument with analogue indication and of a maximum capacity of 20kg. and minimum capacity of 1kg. the verification scale interval (e) is 100g.



In addition to scaling the stamping plate, scaling shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance and of same series with maximum capacity upto 50kg. and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(364)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 146.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मिरगा इण्डस्ट्रीज, ग्राम नसिरपुर, हिसार रोड अम्बाला शहर, हरियाणा-134001 द्वारा निर्मित साधारण यथार्थता वर्ग (यथार्थता वर्ग-IV) वाले सदृश सूचन सहित अस्वचालित तोलन उपकरण (लटकने वाला स्प्रिंग तुला प्रकार) के मॉडल का, जिसका ब्रांड का नाम "मिरगा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/442 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) सदृश सूचन सहित स्प्रिंग आधारित अस्वचालित लटकने वाले प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 500 ग्रा. है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. या उसे अधिक के "ई" मान के लिए 100 से 1000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि. ग्रा. से 300 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(364)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

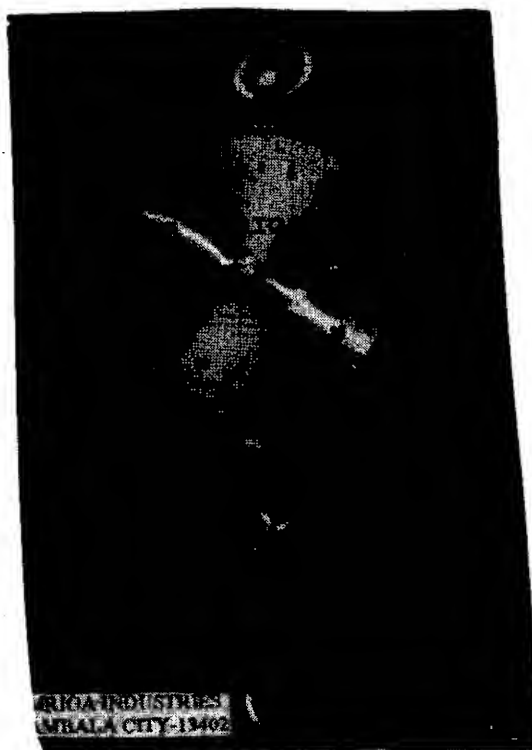
New Delhi, the 19th December, 2005

S.O. 146.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Spring Balance hanging type) with analogue indication of ordinary accuracy (accuracy class IV) and with issues and brand name "MIRGA" (herein referred to as the said model), manufactured by M/s. Mriga Industries, Village-Nasirpur, Hissar Road, Ambala City, Haryana-134002 and which is assigned the approval mark IND/09/05/442;

The said model (see the figure given below) is a hanging type spring based non-automatic analogue weighing instrument with analogue indication and of a maximum capacity of 100kg and minimum capacity of 5kg. The verification scale interval (e) is 500g.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity in the range of 50kg to 300kg and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 500g or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(364)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 12 जनवरी, 2006

का. आ. 147.— तेल उद्योग (विकास) अधिनियम 1974 (1974 का 47) की उप-धारा (4) के खण्ड 3 द्वारा प्रदत्त की गई शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 1 जनवरी, 2006 को पूर्वाह्न से श्री एम. एस. श्रीनिवासन, सचिव, पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय को अगले आदेश जारी होने तक, अध्यक्ष, तेल उद्योग विकास बोर्ड के रूप में नियुक्त करती है।

[सं. जी.- 35012/3/92-वित्त-II]

के. पी. के. नम्बीसन, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 12th January, 2006

S.O. 147.— In exercise of the powers conferred by sub-section (4) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints, with effect from the forenoon of the 1st January, 2006 and until further orders, Shri M.S. Srinivasan, Secretary, Ministry of Petroleum and Natural Gas, as the Chairman of the Oil Industry Development Board vide Shri S.C. Tripathi.

[No. G-35012/3/92-Fin. II]

K.P.K. NAMBISSAN, Under Secy.

नई दिल्ली, 12 जनवरी, 2006

का. आ. 148.— तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) धारा 3 की उप-धारा (3) के खण्ड (ग) द्वारा प्रदत्त की गई शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित अधिकारियों को तेल उद्योग विकास बोर्ड के सदस्य के रूप में, उनके सामने दर्शायी गई अवधि के लिए, या अगले आदेश जारी होने तक, जो भी पहले हो, नियुक्त/पुनर्नियुक्त करती है :—

	से	तक
1. श्री पी. बन्नर्जी, अध्यक्ष एवं प्रबंध निदेशक गेल	27-8-2005	26-8-2007
2. श्री अशोक सिन्हा, अध्यक्ष एवं प्रबंध निदेशक, बी पी सी एल	19-8-2005	18-8-2007

[सं. जी.- 35012/2/91-वित्त-II]

के. पी. के. नम्बीसन, अवर सचिव

New Delhi, the 12th January, 2006

S.O. 148.— In exercise of the powers conferred by Clause (c) of sub-section (3) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints/re-appoints the following officers as Members of the Oil Industry Development Board for the period shown against their names or until further orders, whichever is earlier :

	From	To
1. Shri P. Bannerjee, Chairman & Managing Director, GAIL.	27-8-2005	26-8-2007
2. Shri Ashok Sinha, Chairman & Managing Director, BPCL	19-8-2005	18-8-2007

[No. G-35012/2/91-Fin. II]

K.P.K. NAMBISSAN, Under Secy.

नई दिल्ली, 12 जनवरी, 2006

का. आ. 149.— तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की धारा 3 की उप-धारा (3) के खण्ड (ड) द्वारा प्रदत्त की गई शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा डा० अविनाश चन्द्र, पूर्व महानिदेशक डी जी एच को तत्काल प्रभाव से दो साल की अवधि के लिए, या अगले आदेश जारी होने तक, जो भी पहले हो, तेल उद्योग विकास बोर्ड के सदस्य के रूप में नियुक्त करती है।

[सं. जी.- 35012/2/91-वित्त-II]

के. पी. के. नम्बीसन, अवर सचिव

New Delhi, the 12th January, 2006

S.O. 149.— In exercise of the powers conferred by Clause (d) of sub-Section (3) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints Dr. Avinash Chandra, former DG, DGH with immediate effect for a period not exceeding two years or until further orders, whichever is earlier as Member of the Oil Industry Development Board.

[No. G-35012/2/91-Fin. II]

K.P.K. NAMBISSAN, Under Secy.

नई दिल्ली, 13 जनवरी, 2006

का.आ. 150.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 695(अ), तारीख 14 जून, 2004 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा महाराष्ट्र राज्य में हाजीमालानगवाडी-ट्राम्बे स्परलाइन तक दहेज-हजीरा-उरान की ट्रंक पाइपलाइन परियोजना के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 10 जुलाई, 2004 से 30 अप्रैल, 2005 तक उपलब्ध करा दी गई थीं;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित हैं, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने की बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए (हेक्टेयर में)
1	2	3	4	5
ठाणे	ठाणे	नांगांव	114/1 पै	00-09-00
			114/2 पै	00-04-00

1	2	3	4	5
ठाणे	ठाणे	नांगांव		
			114/3 पै	00-02-00
			110/2 पै	00-01-00
			110/3 पै	00-21-00
			110/4 पै	00-14-00
			84/1 पै	00-10-00
			84/2 पै	00-06-00
			84/3 पै	00-22-00
			84/4	00-07-60
			66/4 पै	00-01-00
			66/5 पै	00-05-00
			65/1 पै	00-13-00
			65/2 पै	00-02-00
			47/9 पै	00-14-00
			47/10 पै	00-02-00
			48 पै	00-01-00
			31/1 पै	00-09-00
			31/2 पै	00-01-00
			29/2 पै	00-09-00
			29/4 पै	00-02-00
			28/5 पै	00-20-00
			28/6 पै	00-03-30
			28/7 पै	00-05-00
			8/2 पै	00-07-00
			8/3 पै	00-02-00
			10/1 पै	00-16-00
			10/2 पै	00-02-00
			11/2 पै	00-02-00
			11/3 पै	00-17-00
			11/4 पै	00-15-00
			11/5 पै	00-01-00
			नाला	00-10-00
			269 पै	00-03-00
			265 पै	00-17-00
			264 पै	00-01-00
			263 पै	00-01-00
			268 पै	00-03-00
		बाले	14 पै	00-03-00
			25/3 पै	00-14-00
			25/5 पै	00-02-00
			25/6 पै	00-02-00
			26/1 पै	00-01-50
			26/2 पै	00-08-00

1	2	3	4	5	1	2	3	4	5
ठाणे	ठाणे	बाले	26/3पै	00-03-00	ठाणे	ठाणे	नारीवली	80/1पै	00-03-00
			27/2पै	00-17-00				80/2पै	00-01-00
			28/7पै	00-05-00				82पै	00-16-00
			28/8पै	00-26-00				83/2पै	00-11-00
			40/1पै	00-30-00				69पै	00-18-00
			40/2पै	00-09-00				67पै	00-01-00
			40/4पै	00-01-00				68/4पै	00-24-00
			41/2पै	00-01-00				68/3पै	00-12-00
			39पै	00-05-00			वाकलन	25/3पै	00-38-00
			34/1पै	00-13-00				30पै	00-12-00
			37पै	00-23-00				29पै	00-32-00
		भंडारली	24/1पै	00-17-00				57पै	00-13-00
		उत्तरशिब	117पै	00-68-00			गोटेघर	100/2पै	00-19-00
			122/4पै	00-11-00				100/3पै	00-01-50
			122/5पै	00-02-00				122पै	00-22-00
		नारीवली	खाडी	00-22-00				130पै	00-11-00
			164/1पै	00-07-00				131/4पै	00-04-00
			164/2पै	00-56-00				131/6पै	00-01-00
			140/3/1/1पै	00-35-00				131/5पै	00-01-00
			140/3/1/2पै	00-01-00				129पै	00-10-00
			141/4/1पै	00-30-00				127/1पै	00-02-00
			136/8पै	00-02-00				128/1पै	00-20-00
			136/7पै	00-01-00				125/2पै	00-17-00
			136/6पै	00-01-00				138पै	00-20-00
			136/10पै	00-01-00				137पै	00-13-00
			136/4पै	00-03-00				142पै	00-02-00
			136/9पै	00-08-00				146पै	00-14-00
			135/4पै	00-04-00				145पै	00-22-00
			135/5पै	00-07-00				144पै	00-44-00
			135/12पै	00-07-00				154पै	00-26-00
			135/13पै	00-22-00				155पै	00-33-00
			52/2पै	00-32-00				96/5पै	00-01-00
			52/5पै	00-04-00				94/2पै	00-08-00
			52/4पै	00-08-00				94/3पै	00-09-00
			53/2पै	00-20-00				94/4पै	00-02-00
			53/3पै	00-01-00				92/3पै	00-01-00
			53/4पै	00-01-00				92/1पै	00-15-00
			53/5पै	00-16-00				92/2पै	00-21-00
			73पै	00-13-00				53पै	00-01-00
			74/2पै	00-28-00					
			74/3पै	00-15-70					

[फ. सं. एल-14014/20/04-जी.पी.(भाग-1)]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 150.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 695(E) dated the 14th June, 2004 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipelines for the transportation of natural gas through Hajimalangwadi-Trombay spurline of Dahej-Hazira-Uran trunk pipeline project in the State of Maharashtra by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public from 10th July, 2004 to 30th April, 2005;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India), free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
1	2	3	4	5
Thane	Thane	Nagaon	114/1P	00-09-00
			114/2P	00-04-00

I	2	3	4	5
Thane	Thane	Nagaon	114/3P	00-02-00
			110/2P	00-01-00
			110/3P	00-21-00
			114/4P	00-14-00
			84/1P	00-10-00
			84/2P	00-06-00
			84/3P	00-22-00
			84/4	00-07-60
			66/4P	00-01-00
			66/5P	00-05-00
			65/1P	00-13-00
			65/2P	00-02-00
			47/9P	00-14-00
			47/10P	00-02-00
			48P	00-01-30
			31/1P	00-09-00
			31/2P	00-01-00
			29/2P	00-09-00
			29/4P	00-02-00
			28/5P	00-20-00
			28/6P	00-03-00
			28/7P	00-05-00
			8/2P	00-07-00
			8/3P	00-02-00
			10/1P	00-16-00
			10/2P	00-02-00
			11/2P	00-02-00
			11/3P	00-17-00
			11/4P	00-15-00
			11/5P	00-03-00
			NALA	00-10-00
			269P	00-03-00
			265P	00-17-00
			264P	00-01-00
			263P	00-01-00
			268P	00-03-00
		Bale	14P	00-03-00
			25/3P	00-14-00
			25/5P	00-02-00
			25/6P	00-02-00
			26/1P	00-01-50
			26/2P	00-08-00
			26/3P	00-03-00

1	2	3	4	5	1	2	3	4	5
Thane	Thane	Bale	27/2P	00-17-00	Thane	Thane	Narivali	83/2P	00-11-00
			28/7P	00-05-00				69P	00-10-00
			28/8P	00-26-00				67P	00-01-00
			40/1P	00-30-00				68/4P	00-24-00
			40/2P	00-09-00				68/3P	00-12-00
			40/4P	00-01-00			Vakhalan	25/3P	00-38-00
			41/2P	00-01-00				30P	00-12-00
			39P	00-05-00				29P	00-32-00
			34/1P	00-13-00				57P	00-13-00
			37P	00-23-00			Goteghar	100/2P	00-19-00
	Bhandharbi		14/I	00-17-00				100/3P	00-01-50
	Uttar Shiv		117P	00-68-00				122P	00-22-00
			122/4P	00-11-00				130P	00-11-00
			122/5P	00-02-00				131/4P	00-04-00
	Narivali		Khadi	00-22-00				131/6P	00-01-00
			164/1P	00-07-00				131/5P	00-01-00
			164/2P	00-56-00				129P	00-10-00
			140/3/1/1P	00-35-00				127/1P	00-02-00
			140/3/1/2P	00-01-00				128/1P	00-20-00
			141/4/1P	00-30-00				125/2P	00-17-00
			136/8P	00-02-00				138P	00-20-00
			136/7P	00-01-00				137P	00-13-00
			136/6P	00-01-00				142P	00-02-00
			136/10P	00-01-00				146P	00-14-00
			136/4P	00-03-00				145P	00-22-00
			136/9P	00-08-00				144P	00-44-00
			135/4P	00-04-00				154P	00-26-00
			135/5P	00-07-00				155P	00-33-00
			135/12P	00-07-00				96/5P	00-01-00
			135/13P	00-22-00				94/2P	00-08-00
			52/2P	00-32-00				94/3P	00-09-00
			52/5P	00-04-00				94/4P	00-02-00
			52/4P	00-08-00				92/3P	00-01-00
			53/2P	00-20-00				92/1P	00-15-00
			53/3P	00-01-00				92/2P	00-21-00
			53/4P	00-01-00				53P	00-01-00
			53/5P	00-16-00					
			73P	00-13-00					
			74/2P	00-28-00					
			74/3P	00-15-70					
			80/1P	00-03-00					
			80/2P	00-01-00					
			82P	00-16-00					

[F. No. L-14014/20/04-G.P.(Pt.-I)]

S. B. MANDAL, Under Secy.

नई दिल्ली, 13 जनवरी, 2006

का.आ. 151 :—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत

सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1412(अ), तारीख 24 दिसम्बर, 2004 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा महाराष्ट्र राज्य में गेल उसर से इस्मात इन्डस्ट्रीज लिमिटेड पाइपलाइन परियोजना द्वारा प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजकीय अधिसूचना की प्रतियां जनता को तारीख 15 अप्रैल, 2005 से 31 मई, 2005 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइनें बिछाने के लिए अपेक्षित हैं, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइनें बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइनें बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइनें बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिस्थोपस्थित निबंधनों और शर्तों के अधीन रहते हुए, सभी वित्तीय मामलों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए (हेक्टेयर में)
1	2	3	4	5
रायगढ़	अलिबाग	केल्पोशी	309	00-42-00
			310	00-02-00
			344	00-36-00
रायगढ़	अलिबाग	कोलघर	8/1 पै	00-25-00
			8/2 पै	00-30-00
			20/2 पै	00-01-00

1	2	3	4	5
रायगढ़	अलिबाग	कोलघर	19/2 पै	00-31-00
			19/1 पै	00-37-00
			नाला	00-08-00
			25/1 पै	00-03-00
			44/1 पै	00-49-00
			44/2 पै	00-07-00
			43 पै	00-04-00
			45 पै	00-01-00
			46 पै	00-53-00
			58 पै	00-47-00
			57 पै	00-15-00
			64 पै	00-27-00
			65 पै	00-07-00
			56 पै	00-03-00
			66 पै	00-10-00
			नाला	00-05-00
			77 पै	00-30-00
			79 पै	00-31-00
			86 पै	00-01-00
			39 पै	00-01-00
		कलवाडखार	8 पै	00-01-00
			7 पै	00-01-00
			6 पै	00-26-00
			5 पै	00-01-00
			15 पै	00-01-00
			72 पै	00-02-00
			263 पै	00-05-00
			260 पै	00-09-00
			247 पै	00-05-00
			252 पै	00-05-00
			249 पै	00-06-00
			248 पै	00-01-00
			234 पै	00-10-00
			233 पै	00-03-00
			226 पै	00-06-00
			224 पै	00-03-00
			227 पै	00-03-00
			217 पै	00-10-00

I	2	3	4	5	I	2	3	4	5
रायगढ़	अलिबाग	कलवाडखार	225पै	00-03-00	रायगढ़	अलिबाग	भोपोली	395	00-01-00
			223पै	00-03-00				394	00-11-00
			218पै	00-09-00				393	00-17-00
			221पै	00-16-00				392	00-22-00
			220पै	00-11-00				407	00-07-00
		भोपोली	22/2पै	00-18-00				410	00-26-00
			20पै	00-54-00				413	00-24-00
			15पै	00-26-00				414	00-37-00
			18/1पै	00-17-00				303	00-13-00
			17/1पै	00-01-00				415	00-26-00
			17/2पै	00-40-00				416	00-19-00
			14पै	00-15-00				290	00-44-00
		श्रीगाव	34	00-01-00				295	00-02-00
			33	00-21-00				297	00-18-00
			32	00-05-00				289	00-08-00
			31	00-16-00				277	00-38-00
			36	00-09-00				271	00-32-00
			30	00-10-00				272	00-28-00
			37	00-05-00				273	00-01-00
			41/ए पै	00-10-00				264	00-15-00
			41/बी पै					265	00-20-00
			39	00-28-00				267	00-03-00
			40	00-04-00				263	00-16-00
			45	00-01-00				262	00-55-00
			44	00-08-00					
			97	00-13-00					
			100	00-12-00					
			101	00-10-00					
			102	00-10-00					
			103	00-01-00					
			88/ए पै	00-10-00					
			88/बी पै						
			105	00-01-00					
			87/ए पै	00-19-00					
			87/बी पै						
			86	00-07-00					
			85	00-01-00					
			84	00-16-00					
			397	00-09-00					
			399	00-07-00					

[फा. सं. एल-14014/20/04-जी.पी. (भाग-1)]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 151.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1412(E) dated the 24th December, 2004 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipelines for the transportation of natural gas through GAIL Usar to Ispat Industries Limited pipeline project in the State of Maharashtra by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public from 15th, April 2005 to 31st May, 2005 ;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority ;

And whereas the competent authority has, under sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government ;

And whereas in Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines ;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India), free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
1	2	3	4	5
Raigad	Alibaug	Belosi	309	00-42-00
			310	00-02-00
			344	00-36-00
Raigad	Alibaug	Kalghan	8/1 P	00-25-00
			8/2 P	00-30-00
			20/2 P	00-01-00
			19/2 P	00-31-00
			19/1 P	00-37-00
			NALA	00-08-00
			25/1 P	00-03-00
Raigad	Alibaug	Talasheth	44/1 P	00-49-00
			44/2 P	00-07-00
			43 P	00-04-00

1	2	3	4	5
			45 P	00-01-00
			46 P	00-53-00
			58 P	00-47-00
			57 P	00-15-00
			64 P	00-27-00
			65 P	00-07-00
			56 P	00-03-00
			66 P	00-10-00
			NALA	00-05-00
			77 P	00-30-00
			79 P	00-31-00
			86 P	00-01-00
			39 P	00-01-00
Raigad	Alibaug	Kalwadkhar	8 P	00-01-00
			7 P	00-01-00
			6 P	00-26-00
			5 P	00-01-00
			15 P	00-01-00
			72 P	00-02-00
			263 P	00-05-00
			260 P	00-09-00
			247 P	00-05-00
			252 P	00-05-00
			249 P	00-06-00
			248 P	00-01-00
			234 P	00-10-00
			233 P	00-03-00
			226 P	00-06-00
			224 P	00-03-00
			227 P	00-03-00
Raigad	Alibaug	Bopoli	217 P	00-10-00
			225 P	00-03-00
			223 P	00-03-00
			218 P	00-09-00
			221 P	00-16-00
			220 P	00-11-00
			22/2 P	00-18-00
			20 P	00-54-00
			15 P	00-26-00
			18/1 P	00-17-00
Raigad	Alibaug	Bopoli	17/1 P	00-01-00
			17/2 P	00-40-00
			14 P	00-15-00

1	2	3	4	5	1	2	3	4	5
Raigad	Alibaug	Srigaon	34	00-01-00	Raigad	Alibaug	Srigaon	297	00-18-00
			33	00-21-00				289	00-08-00
			32	00-05-00				277	00-38-00
			31	00-16-00				271	00-32-00
			36	00-09-00				272	00-28-00
			30	00-10-00				273	00-01-00
			37	00-05-00				264	00-15-00
			41/A P	00-10-00				265	00-20-00
			41/B P					267	00-03-00
			39	00-28-00				263	00-16-00
			40	00-04-00				262	00-55-00
			45	00-01-00					
			44	00-08-00					
			97	00-13-00					
			100	00-12-00					
			101	00-10-00					
			102	00-10-00					
			103	00-01-00					
			88/A P	00-10-00					
			88/B P						
			105	00-01-00					
			87/A P	00-19-00					
			87/B P						
			86	00-07-00					
			85	00-01-00					
			84	00-16-00					
			397	00-09-00					
			399	00-07-00					
			395	00-01-00					
			394	00-11-00					
			393	00-17-00					
			392	00-22-00					
			407	00-07-00					
			410	00-26-00					
			413	00-24-00					
			414	00-37-00					
			303	00-13-00					
			415	00-26-00					
			416	00-19-00					
			290	00-44-00					
			295	00-02-00					

[F. No. L-14014/20/04-G.P.(Pt.-I)]

S. B. MANDAL, Under Secy.

नई दिल्ली, 13 जनवरी, 2006

का.आ. 152.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 695(अ), एवं 813(अ) तारीख 14-6-2004 एवं 10-6-2005 क्रमशः द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा महाराष्ट्र राज्य में दहेज-हजीरा-उरान एवं स्पर पाइपलाइनों के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 7-10-2005 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और सक्षम प्राधिकारी ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइनें बिछाने के लिए अपेक्षित हैं, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइनें बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाईन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने की बजाए, पाइपलाईन बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए (हेक्टेयर में)
1	2	3	4	5
ठाणे	ठाणे	गोटेघर	95	00-35-00
			66	00-05-00
			51	00-11-00
			52	00-20-00
			54	00-16-00
			57	00-07-00
			41	00-02-00
			40	00-06-00
			157/0	00-31-00
ठाणे	ठाणे	वाकलन	28/0	00-31-00
ठाणे	ठाणे	बाले	16/0	00-67-00
			17/2	00-11-00
			17/3	00-03-00
ठाणे	ठाणे	नांगाव	118/6	00-26-00
			तालाव	00-01-00
			267	00-02-00
ठाणे	ठाणे	नारीवली	161/1	00-06-00
			165/0	00-26-00
ठाणे	ठाणे	भंडारली	13	00-09-00
ठाणे	अंबरनाथ	करवले खुर्द	29/1	00-65-00
			31/0	00-72-00
			40/0	00-55-00
ठाणे	अंबरनाथ	उसाटणे	50/0	00-83-00
			69	00-04-00

[फा. सं. एल-14014/23/05-जी.पी.(भाग-I)]

एस.बी. मण्डल, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 152.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 695(E) and 813(E) dated 14-06-2004 and 10-06-2005 respectively issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipelines for the transport of natural gas through Dahej-Hazira-Uran and its spur pipelines in the State of Maharashtra by the GAIL (India) Limited:

And whereas copies of the said Gazette notification were made available to the public on the 7-10-2005:

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority:

And whereas the competent authority has, under sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government:

And whereas the Central Government has after considering the said report decided to acquire the right of user in the Lands specified in the schedule:

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule is hereby acquired for laying the pipelines:

And, further, the exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Taluka	Village	Survey No.	Area to be acquired for ROU (in Hectare)
1	2	3	4	5
Thane	Thane	Gotheghar	95	00-35-00
			66	00-05-00
			51	00-11-00
			52	00-20-00
			54	00-16-00

1	2	3	4	5
Thane	Thane	Gotheghar	57	00-07-00
			41	00-02-00
			40	00-06-00
			157/0	00-31-00
Thane	Thane	Vakalan	28/0	00-31-00
Thane	Thane	Bale	16/0	00-67-00
			17/2	00-11-00
			17/3	00-03-00
Thane	Thane	Nagaon	118/6	00-26-00
		Pond		00-01-00
			267	00-02-00
Thane	Thane	Naariwali	161/1	00-06-00
			165/0	00-26-00
Thane	Thane	Bhandarli	13	01-09-00
Thane	Ambernath	Karawale Khurd	29/1	00-65-00
			31/0	00-72-00
			40/0	00-55-00
Thane	Ambernath	Usatane	50/0	00-83-00
			69	00-04-00

[F. No. L-14014/23/05-G.P.(Pt.-I)]

S. B. MANDAL, Under Secy.

नई दिल्ली, 13 जनवरी, 2006

का.आ. 153.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 813(अ), तारीख 10-6-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा महाराष्ट्र राज्य में दहेज-हजीरा-उरान एवं स्पर पाइपलाइनों के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 21-10-2005 तक उपलब्ध करा दी गई थीं;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार की अपनी रिपोर्ट दे दी है;

और सक्षम प्राधिकारी ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान ही जाने पर कि उक्त भूमि पाइपलाइनें बिछाने के लिए अपेक्षित हैं, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइनें बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाइनें बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख की, केन्द्रीय सरकार में निहित होने की बजाए, पाइपलाइनें बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए (हेक्टेयर में)
1	2	3	4	5
रायगड	पनवेल	नितलस	257	00-17-00
			261	00-06-30
			263	00-01-00
			264	00-24-00
			269	00-01-00
			271	00-01-00
			273	00-09-00
			272	00-01-00
			274	00-02-00
			275	00-12-00
			36	00-06-00
			38	00-01-00
			39/5	00-04-00
			39/4	00-14-00
			43	00-18-00
			40	00-38-00
			35/10	00-10-00
			35/11	00-09-00

1	2	3	4	5
रायगड	पनवेल	नितलस	48	00-22-00
			206	00-08-00
			58	00-34-00
			55	00-07-00
			53/5	00-14-00
			54	00-27-00
			77/1	00-06-00
			78	00-29-00
			59/5	00-05-00
			59/6	00-03-00
			59/7	00-08-00
			59/4	00-02-00
			74/1	00-02-00
			72/1	00-06-00
			72/2	00-06-00
			69/1	00-08-00
			69/2	00-02-00
			71	00-21-00
			70	00-16-00
			171	00-41-00
			170	00-21-00
			169	00-09-00
			163/6	00-07-00
			163/7	00-01-00
			163/5	00-01-00
			163/2	00-27-00
			163/3	00-23-00
			163/4	00-23-00
			162/0	00-03-00
			157/1	00-04-00
रायगड	पनवेल	चाल	27	00-08-00
			25	00-15-00

[फा. सं. एल-14014/23/2005-जी.पी.(भाग-1)]

एस.बी. मण्डल, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 153.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 814(E) dated 10-06-2005 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to

acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of natural gas through Dahej-Hazira-Uran and its spur pipeline in the State of Maharashtra by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public on the 21-10-2005;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of User in the land specified in the Schedule is hereby acquired for laying the pipelines:

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
1	2	3	4	5
Raigad	Panvel	Nitalas	257	00-17-00
			261	00-06-30
			263	00-01-00
			264	00-24-00
			269	00-01-00
			271	00-01-00
			273	00-09-00
			272	00-01-00
			274	00-02-00
			275	00-12-00
			36	00-06-00
			38	00-01-00
			39/5	00-04-00

1	2	3	4	5
Raigad	Panvel	Nitalas	39/4	00-14-00
			43	00-18-00
			40	00-38-00
			35/10	00-10-00
			35/11	00-09-00
			48	00-22-00
			206	00-08-00
			58	00-34-00
			55	00-07-00
			53/5	00-14-00
			54	00-27-00
			77/1	00-06-00
			78	00-29-00
			59/5	00-05-00
			59/6	00-03-00
			59/7	00-08-00
			59/4	00-02-00
			74/1	00-02-00
			72/1	00-06-00
			72/2	00-06-00
			69/1	00-08-00
			69/2	00-02-00
			71	00-21-00
			70	00-16-00
			171	00-41-00
			170	00-21-00
			169	00-09-00
			163/6	00-07-00
			163/7	00-01-00
			163/5	00-01-00
			163/2	00-27-00
			163/3	00-23-00
			163/4	00-23-00
			162/0	00-03-00
			157/1	00-04-00
Raigad	Panvel	Chal	27	00-08-00
			25	00-15-00

[F. No. L-14014/23/2005-G.P.(Pl.-I)]

S. B. MANDAL, Under Secy.

नई दिल्ली, 13 जनवरी 2006

का.आ. 154.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या 3294 तारीख 25 दिसम्बर, 2004 को अधिकांश करते हुए नीचे

दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्ति को, उक्त अनुसूची के स्तम्भ (2) में की तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्र के संबंध में, उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है, अर्थात्:—

अनुसूची

प्राधिकारी का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्री पृथ्वी सिंह तहसीलदार इंडियन ऑयल कॉर्पोरेशन लिमिटेड में प्रतिनियुक्ति पर सक्षम प्राधिकारी, उत्तरी क्षेत्र पाइपलाइन्स, डाकघर-पानीपत रिफाइनरी, बहोली, पानीपत-132140 (हरियाणा)	हरियाणा राज्य

[फा. सं. आर-25011/44/2002-ओ.आर-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 154.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) and in supersession of the notification of Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3294 dated the 25th December, 2004, the Central Government hereby authorises the person mentioned in column. (1) of the Schedule below to perform the functions of the Competent Authority under the provisions of the said Act, within the area mentioned in the corresponding entry in column (2) of the said Schedule :—

SCHEDULE

Name and address of the Authority	Area of jurisdiction
(1)	(2)
Shri Prithvi Singh Tehsildar, Competent Authority on deputation in the Indian Oil Corporation Limited, Northern Region Pipelines, Post Office-Panipat Refinery, Baholi, Panipat-132140 (Haryana)	State of Haryana

[F.No. R-25011/44/2002-O.R.-I]

S. K. CHITKARA, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 155.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम फैक्ट्री के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं० I, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-7/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं० एल- 40012/327/2000-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi the, 15th December, 2005

S.O. 155.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-7/2002) of the Central Government Industrial Tribunal No. I, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom Factory and their workman, which was received by the Central Government on 15/12/2005.

[No-L- 40012/327/2000-IR(DU)]

KULDEEP RAI VERMA, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, MUMBAI**

Present : Justice Ghanshyam Prasad, Presiding Officer.

Reference No. CGIT-07 of 2002.

Parties : Employers in relation to the management of Telecom Factory

AND

Shri. B.V. Rane

Appearances :

For the Management : Shri Kadam, Advocate.

For the Workman : Mrs. Taleker, Advocate.

Workman present in person

State : Maharashtra

Mumbai, dated, the 17th day of November, 2005

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section I and sub-section 2A of Section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short) vide Government of India, Ministry of Labour, New Delhi Order

No. L-40012/327/2000/IR(DU) dated 22-5-2002. The terms of reference given in the schedule are as follows:

"Whether the action of the Management of Telecom Factory, Mumbai, in compulsorily retiring the services of Shri. Balkishan V. Rane, ex-chargeman with effect from 17-5-2000 is legal & justified? If not, to what relief the workman concerned is entitled?"

2. The second party workman Shri. B.V. Rane (hereinafter referred to as "workman" filed his statement of claim dated 18-9-2002 contending that he had joined the services of the Telecom Factory on 05-1-1965 as wireman. He was made permanent immediately. Thereafter, he was promoted as a charge man on 1st July 1971. He worked as such till the date of compulsory retirement i.e. 17-5-2000 and in view of the duties performed by him as chargeman, he is a workman under the provisions of Section 2(s) of the Industrial Dispute Act, 1947 (hereinafter referred to as the Act for short). He contended that 80% of his duties were manual and 20% were clerical. He was not to supervise anybody's work since no one worked under him, infact he received the instructions regarding his duties from his superiors. He was placed under suspension by Senior Engineer (TN) exercising powers under rule 30(1) of the Certified Standing Orders which meant that this disciplinary proceedings were conducted against the claimant treating him the workman. Further the workman has been compulsorily retired in view of the outcome of the domestic enquiry conducted by Mr. P.K. Choudhary, Enquiry Officer/ Assistant Manager, Telecom factory, Jabalpur. The Enquiry Officer held that all the three charges against the delinquent were proved. It is contended that the said enquiry is vitiated by law since no opportunity of proper hearing or defending properly or follow of principles of natural justice had been there. The penalty of compulsory retirement imposed by the Senior Engineer (TN) appointing/punishing authority is harsh and did not commensurate to the charges even if they are found to be proved. In fact, he has been victimized since being in active role of the union. He was due to retire after a year on 31-5-2001 and he has been wrongly compulsorily retired one year before due date of superannuation.

3. The written statement has been filed on behalf of the management. The matter has been contested on two counts. Firstly, that the applicant is not a workman and secondly, that the charges are proved in the domestic enquiry to which the applicant deliberately did not contest and appear to participate therein despite number of opportunities offered to him from time to time. The penalty imposed as such is not a victimization. In fact a lenient view has been taken and the penalty of removal has been changed and compulsory retirement by the Competent Punishing Authority.

4. The Second party workman filed his affidavit as a piece of evidence. On the other side, the first party filed affidavits of Shri. Sahu, Junior Telecom Officer and Shri. P.K. Pawar, Asstt. General Manager. The affidavit of Junior Telecom Officer is being filed to show that the second party is not a workman while the second affidavit of the Asstt. General Manager is being filed to prove the details of the enquiry conducted by the Enquiry Officer in accordance with law. All the documents of the enquiry files are being proved. The written submissions have been filed by both the parties. I have perused them. The oral submissions made by the parties have also been heard. The record is also perused.

5. At the very outset, I would like to mention that this is a case in which both the parties are fighting the case on altogether contradictory stands. The first party has conducted the enquiry treating the second party as a Workman and making him to compulsorily retire on the basis of the findings of the Enquiry Officer. On the other side, the second party did not participate the domestic enquiry on the plea that he was not a Workman and hence he need not to appear there in. Now having realised the consequences of the claim, the second party has contended before this tribunal that he is a Workman.

6. The first point for consideration is as to whether the second party is a Workman within the provisions of Section 2(s) of the Act. Section 2(s) reads as under:

"Workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged, or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such persons.

a.

b.

c. Who is employed mainly in a managerial or administrative capacity, or

d. Who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercise, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

In 1991 II CLR 789, R.M. Narlekar, v/s. Chief Commercial Superintendent, Central Railway, the Honourable Supreme Court held that "The Respondents having set up

the defence that the applicants were not workmen within the meaning of S.2(s) of the Act, the burden lay upon them to satisfy the Labour Court on cogent material that it was so.

The settled law in the application of S.2(s) is that an employee is to be considered to be employed in the capacity for which he is mainly employed. The test is one of the dominant character of employment. The evidence on record does not show that the applicants were employed to do mainly supervisory duties. It is also not possible to accept the contention of the learned counsel that merely because the duties discharged by the applicants were of a responsible nature, they must be considered to be supervisory in character. The expression "supervise" means to over see, to exact work from other employees by giving them suitable directions or to accept responsibility for the execution of work by others under one's control. Unless these elements are present in the character of an employment, it is not possible to accept that there is employment in supervisory capacity. The evidence on record falls woefully short of this as there is nothing whatsoever of supervisory capacity in the list of duties enumerated by Mr. Sharma in his evidence.

In S.K. Verma V. Mahesh Chandra A.I.R. 1964 S.C. 1462 the Hon'ble Supreme Court has held that the scheme of the definition is such that all persons employed are workmen within the meaning of S.2(s) of the Act, except those employed in managerial or strictly supervisory capacity, who would be excluded therefrom. Assuming that a few jobs were allotted to the petitioner which were in the nature of checking the work of others, these were not the main work of the applicants as disclosed by the evidence on record. In such circumstances it would be unreasonable to take the view that the petitioner was not a Workman covered within the meaning of S.2(s) of the Act."

7. In 1988 LAB I.C 384 AIR 1988 Supreme Court 329 National Engineering Industries Ltd. vs. Shri Kishan Bhageria Honourable Supreme Court has held that "Where the employee was working under Company as an Internal Auditor on a monthly salary and his duties were mainly reporting and checking up on behalf of the management but he had no independent right or authority to take decision and his decision did not bind the Company, the employee would be a Workman within the meaning of S. 2(s) and not Supervisor. A checker on behalf of the management or employer is not a Supervisor. The conclusion as to by the High Court on appreciation of evidence on record could not be interfered with under Art. 136 of Constitution.

8. In Lab IC 658 AIR 1984 Supreme Court 914 Ved Prakash Gupta vs. Delton Cable India (P) Ltd. the Honourable Supreme Court held that "In the instant case,

substantial part of the work of the concerned employee consisted of looking after security of the factory and its property by deputing the Watchmen working under him to work at the factory gate or sending them to watch-towers or around the factory or to accompany visitors at the factory and making entries in the visitors' register as regards the visitors and in the concerned registers as regards materials entering or going out of the premise of the factory. In the absence of any written directions specifying his duties the employee also did other items of workmen, issuing some small items of stores like torch-cells etc., to his subordinate watchmen, which can be got from the stores even under the signatures of watchman and filling up application forms of other workmen and counter signing them or recommending advances and loans or for promotion of his subordinates. However, he had no power to appoint or dismiss any Workman or order any enquiry any Workman. Held, that in these circumstances the substantial duty of the concerned employee was only that of a Security Inspector at the gate of the factory premises and it was neither managerial nor supervisory in nature, or as to exclude him from the definition of "Workman" under Section 2(s) of the Act."

9. In 1994 LAB I.C. 1095 M/s. Inter Globe Air Transport, a Division of Inter Globe Enterprises Private Ltd. vs. Mrs. Leela Deshpande and another, the Bombay High Court held that that "Predominant duties of respondent consisting of booking of air tickets and other incidental jobs such as maintenance of lifts, typing on computers etc. — Respondents is "Workman" power of allocation of work between three other employees, who were answerable to her, notwithstanding."

10. Lastly, in the case of S.A. Sarang vs. W.G. Forge & Allied Industries Ltd. Thane & Ors. the Hon'ble High Court of Bombay held that Uniformly, in each Show-cause Notice and charge-sheet, it has been alleged that the act imputed to the Petitioner was a misconduct under the Model Standing Orders. It is not possible to ignore the cumulative effect of this conduct on the part of the First Respondent Employer. To that extent, the contention of Dr. Kulkarni needs to be accepted. If an employer continuously and consistently proposes and takes action against its employee on the footing that he is covered by the Model Standing Orders (thereby implying that the employee is a "Workman" within the meaning of the Act), then such employer must be stopped from denying the said fact when a dispute regarding the dismissal of the employee finally lands up before an industrial adjudicator. Show-cause Notices and charge sheets referred to in this judgment cannot be ignored and due weightage will have to be given to them. Considering the cumulative effect of these documents, it has to be concluded that the petitioner was a

workmen within the meaning of S.2(s) of the Act and therefore impugned order needs to be interfered with."

11. The evidence lead by the parties has to be interpreted after keeping in mind the settled legal proposition in view of the aforesaid citations. The evidence lead by the second party goes to show that he was a Workman since he did not perform any supervisory duty. The evidence lead by the first party on this point is quite insufficient. The duty chart of a charge man filed on record does not help the second party in showing that he was actually performing the duties of Supervisor. The evidence of Junior Telecom Officer is not sufficient on this point. In fact, the second party has been treated through out as Workman by the first party during the course of domestic enquiry and now the second party is debarred from claiming that the second party is not a Workman.

12. Considering the record and the aforesaid discussion, I hold the second party to be a Workman.

13. The next point for determination is as to whether the second party has been rightly compulsorily retired after holding a just and fair domestic enquiry. The perusal of the enquiry file leaves no room for doubt in concluding that the second party deliberately did not participate in the domestic enquiry conducted by the Enquiry Officer. The order sheet maintained for each and every date goes to show that the second party had been offered the due knowledge of the date of hearing and the second party persisted his claim that he would not appear to contest the domestic enquiry since he was not a workman. In fact, he moved the application on each and every date well informing his view not to appear in the domestic enquiry which was being conducted against the law laid down by the Honourable Supreme Court and hence the question of his appearance in the aforesaid enquiry does not arise. This stand of the second party was definitely damaging one and that hit him hard. The result was obvious. The Enquiry Officer did whatever he could do. The second party did not participate on account of his own whims. Thus, it could not be said that principles of natural justice have been violated and no opportunity of hearing has been given. The domestic enquiry continued for sufficient long time. Several dates were being fixed. The evidence was duly recorded. Due opportunity was given to the second party. The opportunity to lead evidence in defence was also given. All the documents of the enquiry file are duly proved by the Assistant Manager Shri. P.K. Pawar. It is wrong to say that he was wrongly disallowed to appoint the defence representative of his own choice. The defence representative could be in accordance with the rules and regulations. It is wrong to allege that the Enquiry Officer

was predetermined to hold the workman guilty. It is further wrong to allege that the second party has been victimized since he was having leading part in the trade union activities. No evidence whatsoever available to give the finding on the second party on the aforesaid count.

14. The second party was charged with misconduct for three Articles:

Article—I : That the said Shri. B.V. Rane, 8484/9, while functioning as chargeman alleged to have went out of the factory on 12-2-97 at 11.15 AM along with Shri A.H.Jain, 8655/9 another chargeman of the same shop without obtaining prior permission of the Shop-in-charge.

Article—II : That the said Shri.B.V.Rane, 8484/9 while functioning in the aforesaid post went out of the factory on 12-2-97 at 11.15 AM by using a forged gate pass. Knowingfully that the gate pass was forged by Shri Jain, 8655/9 another chargeman of Electric Shop.

Article—III : That the said B. V.Rane, 8484/9 while functioning in the aforesaid post alleged to have misrepresented the facts before the Security staff at the Main gate at 11.15 AM on 11-2-97 with intent to go out of the factory.

Shri.B.V.Rane by his above acts exhibited lack of maintaining absolute integrity, failed to maintain devotion to duty and also behaved in a manner unbecoming of Govt. servant and thereby violated the rules 31(a), (g), & (k) of C.S.OP. read with rule 3 (1) (i) (ii) & (iii) of C.C.S. (conduct) Rules 1964.

The perusal of the enquiry file goes to show that there was sufficient evidence that the Enquiry Officer to hold the second party guilty for the charge of misconduct. It is the settled legal position that the findings of the Enquiry Officer are to be judged on the basis of preponderance of the evidence. The charge is not to be proved as a criminal charge. The provisions of evidence Act are not strictly applicable to the domestic enquiry. I do not find anything worth for which it may be inferred even that the Enquiry Officer did not conduct the enquiry in just and fair manner or that he did not follow the principles of natural justice. The Enquiry Officer was not pre-determined to hold the second party guilty nor the second party was being victimized in this case.

Since the charge of misconduct is proved on record, the penalty of compulsory retirement can never be said to be harsh in any manner. In fact, the lenient view has been taken while imposing the penalty of Compulsory retirement. Merely, Because he was due to retire after a year or that he was having a leading role in trade union activities could not be said that the punishment of compulsory retirement is not proper. The penalty has been imposed on the basis of first charge sheet for misconduct quoted above and not for the second charge sheet. The second charge tried to

mess the situation by alleging that he was being penalized for the second charge sheet for which no enquiry was conducted.

16. In view of what has been discussed above, I conclude that the action of the Management of Telecom factory, Mumbai in compulsorily retiring the services of Sh. Balkrishna V. Rane, an ex-Chargeman with effect from 17-5-2000 is legal and justified. The Workman is not entitled to any relief.

17. The reference is accordingly answered in affirmative.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 156.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पोस्ट मास्टर जनरल (बी एम एण्ड एफ एम) विदेश डाक भवन के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं० I मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-37/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं० एल- 40011/32/2003-आई आर (डी यू)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi the, 15th December, 2005

S.O. 156—. In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-37/2003) of the Central Government Industrial Tribunal/Labour Court No. 1, Mumbai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Post Master General (BM&FM) Videsh Dak Bhavan and their workman, which was received by the Central Government on 15-12-2005.

[No-L- 40011/32/2003-IR(DU)]

KULDEEP RAI VERMA, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT: JUSTICE GHANSHYAM DASS, Presiding
Officer.

REFERENCE NO. CGIT-37 OF 2003.

PARTIES: Employers in relation to the management of
Videsh Dak Bhavan,

AND

Their workmen

APPEARANCES:

For the Management : Shri V.Narayanan, Advocate.

For the Union : Mr. J.P. Sawant, Advocate.

State : Maharashtra

Mumbai, dated the 29th day of November, 2005.

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi, order No. L-40011/32/2003-IR(DU) dated 31-7-2003. The terms of reference given in the schedule are as follows :

"Whether action of the management of Post Master General (BM&FM) Videsh Dak Bhavan, Mumbai in not treating the period of suspension from 9-9-75 to 16-11-81 in respect of S/Sh. C.A. Kamble, Ex. Asstt. Supdt. Pravinchandra Mohanlal Shah, Ex-Supervisor and Rajaram Somaji Mhaske, Postal Asstt. as period for all the purposes and not paying these workmen their full wages for the said period with all consequential benefits is legal and justified? If not, what relief these three workmen are entitled to?"

1. The undisputed facts are that the workmen Shri. Chandramohan A. Kamble, Ex.Asstt. Supdt. Pravinchandra Mohanlal Shah, Ex-Supervisor and Rajaram Somaji Mhaske, Postal Asstt. Business Development and Foreign Mails Department of Post Master General, Mumbai were laced under suspension w.e.f. 09-9-1975 by the Superintendent, Foreign Posts, Mumbai vide order dated 09-9-1975 on the ground that disciplinary proceedings against them were contemplated. No disciplinary proceedings were ever held. The suspension order was revoked vide order dated 16-11-1981 which was implemented w.e.f. 17-11-1981. In the meantime, the aforesaid workmen have been acquitted by the Special Judge, Mumbai vide order dated 03-10-1981 and the appeal preferred against the acquittal has been rejected by the Honourable High Court of Bombay. The management did not treat the period of suspension as a period on duty for all the purposes nor paid the wages thereof. Instead, a sum of Rs. 89,639 was recovered from Mr. C. A. Kamble being paid earlier.
2. The statement of claim has been filed by Nhava Sheva Port and General Workers Union for the aforesaid workmen.
3. The management of Videsh Dak Bhavan, Ballard Estate, (hereinafter referred to as the "management")

filed the written statement mentioning certain facts to the effect that the workmen in question were caught by the C.B.I. Mumbai and criminal case was registered against them. The workmen were not honourably acquitted by the Special Judge. Being acquitted under benefit of doubt, the Post Master General (Foreign Mail) revoked the suspension order considering the acquittal but the period of suspension was not treated as a period of duty in view of the provisions of Fundamental Rules 54. It is alleged that the Union has no right to represent the workmen. The reference is liable to be dismissed.

4. The only question for consideration in this reference is as to whether the management is right under the provisions of Fundamental Rules 54 in not treating the period of suspension on duty. As mentioned above, the management did not conduct any domestic enquiry. The acquittal of the workman was passed by the Special Judge and the Honourable High Court of Bombay did not consider it proper to interfere with the order of acquittal.
5. The controversy appears to have been set at rest in view of the judgement of Honourable Supreme Court reported in AIR 1968 Supreme Court 240 M. Gopalkrishna Naidu V/s. State of M.P. The Honourable Supreme Court has held that "It is true that the order under Fundamental Rules 54 is in a sense a consequential order in that it would be passed after an order of reinstatement is made. But the fact that it is a consequential order does not determine the question whether the government servant has to be given an opportunity to show cause or not. It is also true that in a case where reinstatement is ordered after a departmental enquiry the government servant would ordinarily have had an opportunity to show cause. But there are three classes of cases as laid down by the proviso in Art. 311 of the Constitution of India, where a departmental inquiry would not be held. Since there would be no inquiry in these classes of cases the authority would not have before him any explanation by the government servant. The authority in such cases would have to consider and pass the order merely on such facts which might be placed before him by the department concerned. The order in such a case would be ex-parte without the authority in such cases would have to consider and pass the order merely on such facts which might be placed before him by the department concerned. The order in such a case would be ex-parte without the authority having the other side of the picture. In such cases the order that such authority would pass would not be a consequential order as where a departmental inquiry has been held. Therefore, an order passed

under F.R. 54 is not always a consequential order nor is such order a continuation of the departmental proceeding taken against the employee (Para 6).

The order as to whether a given case falls under Cl. or 2 Cl. 5 of the Fundamental Rule 54 must depend on the examination by the authority of all the facts and circumstances of the case and his forming @page—SC241 the opinion there from of two factual finding whether the employee was fully exonerated and in case of suspension whether it was wholly unjustified. Besides, an order passed under this rule would obviously affect the government servant adversely if it one made under Cls. 3 and 5. Consideration under this rule depending as it does on facts and circumstances in their entirety, passing an order on the basis of factual finding arrived at from such facts and circumstances and such an order resulting in pecuniary loss to the government servant must be held to be an objective rather than a subjective function. The very nature of the function implies the duty to act judicially. In such a case of an opportunity to show cause against the action proposed is not afforded, the order is liable to be struck down as invalid on the ground that it is one in breach of the principles of natural justice. Fundamental Rule 54 contemplates a duty to act in accordance with the basic concept of justice and fair play."

6. In another case reported in AIR 1984. Supreme Court 380 Brahma Chandra Gupta vs. Union of India, the Honourable Supreme Court held that the employee was entitled to full amount of salary for the period of suspension on his reinstatement after the judgment of acquittal by the Criminal Court.
7. Lastly, the Honourable Delhi High Court in the case reported in 1982 LAB IC 594 interpreted the words "Fully exonerated" under fundamental rules 54 (3 & 4) and held that government servant acquitted in criminal case on benefit of doubt is to be treated as fully exonerated. The order passed under rule 54 (3 & 4) for treating the period of suspension as a period not spent on duty was set aside.
8. Keeping in mind the law laid down by the Honourable Supreme Court and Delhi High Court (Supra) the clear picture emerges that the workmen under reference who were acquitted by the Special Judge under benefit of doubt are to be treated as "fully exonerated". The workmen have been acquitted by the Competent Court. No departmental enquiry was ever held in this case. Acquittal order gives entitlement to the workmen for full wages for the period of suspension and the same is to be treated

as a period spent on duty. There appears to be no reason for which it can be said for a moment that the period of suspension is not to be treated as a period spent on duty under F.R. 54 as contended by the management. The contention of the management does not have any legal force. The act of the management appears to be whimsical. It cannot be upheld.

9. The contention that the Union does not have the authority to represent the workmen is again devoid of merits. I do not find any ground in holding the action of the management in this case as legal and justified.
10. Hence, I conclude that the action of the management of Post Master General (BM & FM) Videsh Dak Bhavan, Mumbai in not treating the period of suspension from 9-9-75 to 16-11-81 in respect of S/Sh. C. A. Kamble, Ex. Asstt. Supdt. Pravinchandra Mohanlal Shah, Ex-Supervisor and Rajaram Somaji Mhaske, Postal Asstt. as period for all the purposes and not paying these workmen their full wages for the said period with all consequential benefits is illegal and not justified. The workmen are entitled to full backwages.
11. The reference is accordingly answered.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 157.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑर्डनैन्स फैक्ट्री के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एल सी/आर/204/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं० एल- 14012/23/92-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th December, 2005

S.O 157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/204/93) of the Central Government Industrial Tribunal/Labour Court Jabalpur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ordnance Factory and their workman, which was received by the Central Government on 15-12-2005.

[No-L- 14012/23/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

No. CGIT/LC/R/204/93

Presiding Officer : Shri C.M. Singh

Shri Munnalal, c/o The Secretary,

Council of Trade Union,

1123 Wright Town, Jabalpur-482001 Workman/Union

Versus

The General Manager,

Ordnance Factory, Khamaria,

Jabalpur (MP)

..... Management

AWARD

Passed on this 22nd day of November, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-14012/23/92-IR (DU) dated 30-9-93 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the management of Ordnance Factory, Khamaria, Jabalpur (MP) in terminating the services of Shri Munnalal, Ex-Messenger Boy w.e.f. 25-2-92 is justified? If not, what relief he is entitled to?”

2. After the reference order was received, it was duly registered on 7-10-93 and notices were issued to the parties to file their respective statements of claim. In response thereof, the workman filed his statement of claim. Thereafter the parties absented themselves on several dated fixed. Therefore fresh notices were issued to the parties by registered AD post. In spite of sufficient service of notice, the workman did not put in appearance of the date fixed and therefore the case proceeded ex parte against him. On the date fixed for ex parte proceeding, no body put in appearance for the management in spite of sufficient service of notice the management. Therefore this tribunal is left with no alternative except to close the reference for Award.

3. It is clear from the above that in spite of sufficient service of notice, the parties did not put in appearance for prosecuting the reference, it clearly means that they are not interested in prosecuting the reference. Under the circumstances, I am of the considered opinion that it is a fit case for passing no dispute award. Accordingly no dispute award is passed without any orders as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 158.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधांत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एल सी/आर/13/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था ।

[सं० एल-40011/13/90-आई आर (डी यू)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/13/91) of the Central Government Industrial Tribunal/Labour Court Jabalpur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Deptt. of Telecom and their workmen, which was received by the Central Government on 15-12-2005.

[No. L-40011/13/90-IR(DU)]

KULDEEP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR COURT,
JABALPUR

No. CGIT/LC/R/13/91

Presiding Officer : Shri C.M. Singh

Shri Trilochan Prasad Pandey,

Branch Secretary.

Akhil Bhartiya Doorsanchar Karmachari Sangh.

Line Staff and Group-D, Jabalpur

C.T.O. Compound, Jabalpur Workman/Union

Versus

Assistant Engineer, Long Distance,

Telecommunication, C.T.O Compound,

Jabalpur

The District Engineer,

Telecommunication,

Wright Town, Jabalpur

..... Management

AWARD

Passed on this 24th day of November, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-40011/13/90-IR (DU) dated 31-1-91/

4-2-91 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of Distt. Engineer, Telecom and Asstt. Engineer Long Distance, Telecom, Jabalpur in terminating the services of S/Sh. Jagdish Prasad, Sh. Raj Kumar, Basant Kumar, Mitthu Lal, Dindayal, Yashwant Rao and Shri Ishak Mohd. w.e.f. 2-3-90 is justified? If not, to what relief the concerned workmen are entitled to?”

2. After the reference order was received, it was duly registered on 11-2-91 and notices were issued to the parties to file their respective statements of claim. In response to the said notice, the workmen/Union filed their statement of claim. Thereafter the management also filed their statement of claim in the year 1991. The reference proceeded further according to law. On 25-3-04 the date fixed in the reference both the parties absented themselves and did not appear before this tribunal. On 7-12-04 the date fixed in the reference, no body appeared for the workman but Shri D.S. Thakur, SDO Telephones appeared for the management. Thereafter fresh notices by registered AD post was issued for the appearance of union/workman. In spite of sufficient service of notice on the workmen/Union, no body put in appearance for Union/workmen. And therefore on 24-8-05 the date fixed in the reference, it was ordered that the reference shall proceed ex parte. On the next date 23-11-05 fixed in the reference, no body appeared for both the parties and under the circumstances, this tribunal was left with no option but to close the reference for award and therefore the reference was closed for award.

3. It is very clear from the above that both the parties to this reference are not at all interested in prosecuting the reference and it appears that perhaps no dispute is left between the parties. Consequently no dispute award is passed in this reference without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. अ. 159.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एल सी/आर/103/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं० एल- 40012/80/2000-आई आर (डी यू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 159.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/103/2000) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 15-12-2005.

[No. L-40012/80/2000-IR(DU)]

KULDEEP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

No. CGIT/LC/R/103/2000

Presiding Officer : Shri C.M. Singh

Shri Jagdish S/o Shri Tej Karan

R/o Village-Sulthalia,

The. Biaora, Distt. Rajgarh (MP)

.... Workman

Versus

The Chief General Manager,

Deptt. of Telecommunication,

Hoshangabad Road,

MP Circle, Bhopal (MP)-462001

Telecom Distt. Engineer,

Rajgarh, At : Biaora

Rajgarh (MP)-465674

.... Management

AWARD

Passed on this 24th day of November, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-40012/80/2000-IR (DU) dated 31-5-2000 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the management of Chief General Manager Telecom in terminating the services of Shri Jagdish S/o Shri Tej Karan w.e.f. Dec-95 is justified? If not, to what relief the workman is entitled?”

2. After the reference order was received, it was duly registered on 31-7-2000 and notices were issued to the parties for filing their respective statements of claim. In response to the notice, the workman filed his statement of claim. On 15-2-05 the date fixed in the reference, the learned counsel for both the parties remained present before this

tribunal. On this day, the learned counsel for the management requested that last opportunity be given to the management for filing Written Statement. In view of the above request, the management was directed to file written statement on 19-5-05. On 19-5-05, the date fixed in the reference, nobody responded for parties and no WS was filed on behalf of the management. Therefore it was ordered that the reference shall proceed ex parte against the management and date 18-8-05 was fixed for ex parte evidence of workman. Later on the aforesaid date Shri S.K. Gupta, Advocate the learned counsel for workman came present and noted the date fixed. On 18-8-05 the date fixed in the reference Shri S.K. Gupta, Advocate the learned counsel for the workman was present before this tribunal and nobody responded for the management. On this date, Shri Gupta requested for time to adduce ex parte evidence. Therefore it was ordered that ex parte evidence be filed on 23-11-05. On 23-11-05, nobody responded for the parties meaning thereby nobody appeared for the parties for prosecuting the reference and under the above circumstances, this tribunal was left with no alternative but to close the reference for Award and accordingly the reference was closed for award.

3. It is very clear from the above that both the parties to this reference are not at all interested in prosecuting the reference and it appears that perhaps no dispute is left between the parties. Consequently no dispute award is passed in this reference without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 160.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 125/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं० एल- 40025/10/2005-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th December, 2005

S.O 160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.125/2003) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of Deptt. of Telecom and their workman, which was received by the Central Government on 15-12-2005.

[No-L-40025/10/2005-IR(DU)]

KULDEEP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HYDERABAD

PRESENT : Shri T. Ramachandra Reddy, Presiding Officer

Dated, the 9th November, 2005

Industrial Dispute L.C. No. 125/2003

BETWEEN:

Sri G. Ramulu, S/o G. Ganganna,

R/o Bakrapuram, Pulivendla Petitioner

AND

1. The Assistant Director,
O/o CGM, Telecommunications,
A. P., Hyderabad- 500 001.

2. The Telecom District Manager,
Office of the TDM,
Ananthapur-515 050.

3. The SDO, Telecom,
Guntakal-515 801. Respondents

APPEARANCES:

For the Petitioner : R. Yogendar Singh,
Advocate

For the Respondent : R.S. Murthy,
Advocate.

AWARD

This is a petition filed by Sri G. Ramulu under Sec.2 A (2) of the I.D. Act, 1947 against the Assistant Director, CGM Telecommunications, Telecom District Manager, Ananthapur and SDO, Telecom, Guntakal and the same was taken on file in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s Cotton Corporation of India and two others.

2. The averments made by the petitioner are that he was engaged by the second respondent office upon the selection from the employment exchange on 3-1-1985 and that the petitioner workman worked at AE TAX GN from 3-1-1985 to 31-11-1986 for a period of 606 days without any break completing more than 240 days in a year. The

petitioner was disengaged from 1-12-1986 instead of granting temporary status and regularisation. The juniors of the petitioner were continued in the service and subsequently regularized. It is further submitted that even after termination of the petitioner, he was allowed to work under civil contract who is doing the work of cable lying and that he was engaged by the civil contractor on the request of the Divisional Engineer, Telecom, Ananthapur and requested to grant temporary status by reinstating with continuity of the service.

3. The respondent filed the counter affidavit of SDE (Admn.), Ananthapur and denied the averments made in the petition and pleaded that the respondents are entrusted with the responsibility of setting up and maintenance of telephones and telegraphs through the control of Ministry of Telecommunications under the Government of India allocation of business rules 1961. It is further submitted that for the purpose of lying down cable, huge manual work force is required which is intermittent and seasonal. The regular staff is not adequate to meet several exigencies and arising out of natural calamities and other unforeseen circumstances, as such, the respondent engages persons purely on temporary basis as the same could be completed with a regular sanctioned strength.

4. It is denied that the petitioner worked as a casual labour from 3-1-1985 to 31-11-1986 and the records pertaining to the said period have been weeded out by efflux of time as per retention schedule stipulated in appendix P and T financial hand book volume-III. It is further submitted that the respondents have stopped engaging casual labour from 1-4-1985 in pursuance of the instructions issued in DGP and T letter No. 270/6/84-STN dated 30-3-1985 and there is no scope to engage any casual labour including the petitioner. The daily wage in the absence of sanctioned post could not claim any for permanent employment and that the regular appointment could only be made in terms of the recruitment rules subject to the existence of the sanctioned post. It is also denied that the juniors of the petitioner were continued and absorbed by the respondent. The petitioner deemed to have been abandoned the mustering roll while seeking the relief after 17 years and the Ministry of Labour also declined to make any reference on the ground of laches in similar cases.

5. The petitioner examined himself as WW1 and got marked the documents as Exs. W1 to W5. As against this evidence, the respondent examined H. Mohan Rao as MW1.

6. Ex. W1 is the zerox copy of the letter dated 31-12-1985 alleged to have been issued to Assistant Engineer, TAX Installation, Guntakal to the employment

officer stating that the petitioner was selected as a casual labour from 3-1-1985 though he was registered his name in the exchange on 2-9-1985. Ex. W2 is the Zerox copy of the letter dated nil alleged to have been filed by the petitioner for his regularization. Ex. W3 is the Zerox copy of the letter dated 21-4-1992 written by G. Suryanarayana Assistant Director (R and E), office of the CGM Telecommunications, Hyderabad to the Telecom District Manager, Ananthapur, asking him to submit the details regarding representation of the petitioner. Ex. W4 is the Zerox copy of the certificate dated nil alleged to have been issued by the Accounts Officer, Telecom District Manager, Ananthapur that the petitioner has worked for 606 days from 3-1-1985 to 30-11-1986. Ex. W5 is the certificate dated 28-10-2002 alleged to have been issued by the civil contractor stating that the petitioner was engaged in his firm as per the request of the Divisional Engineer.

7. The petitioner has stated in his evidence that he was engaged by the respondent from Jan. 1985 to Nov. 1986. He was engaged by the respondent wherein he was referred by the employment exchange and his services were terminated without any notice or payment in lieu of notice without assigning any reasons w.e.f. December 1986. He was also engaged during 1987 for a period of six months during January to June on ACG-17. Since his disengagement as a casual labour, he was asked to work under a contractor. He made a representation during the year 1988 and the same was referred by the R1 and R2 on 21-4-1992.

8. The MW1 has stated that the petitioner was never engaged by the respondent department and there are no records available as the same have been weeded out as per the retention schedule and he has no knowledge about the engagement of the petitioner by the contractor. There are ban orders right from 30-3-1985 for engaging casual labour except in some project works.

9. The Learned Counsel for the petitioner contended that the petitioner was engaged as a casual labour from 3-1-1985 to 31-11-1986 for a period of 606 days and his services were terminated without any notice or assigning any reasons and further contended that the petitioner has completed more than 240 days musters. As such, he is entitled to get temporary status and regularization and further pointed out that the ban order of the respondent discloses that no casual labour should be engaged after 30-3-1985. But the petitioner was engaged before that date and the circular is silent about the worker engaged before 30-3-1985.

10. On the other hand, the Learned Counsel for the respondent contended that by invoking the State

amendment of ID Act permitting workman to approach directly has no application with regard to the dispute which was not referred by the Central Government and further contended that the petitioner has not proved that he worked for more than 240 days with a satisfactory evidence and further the records pertaining to that period have been weeded out as per the retention schedule. As such, the respondent could not produce the records and further contended that there is no relationship of employer and employee between the respondent and the petitioner and further there is a ban for engaging casual labour right from the year 1985.

11. The petitioner's claim that he was terminated from 1-12-1986 but he approached this Tribunal after the lapses of 17 years. In view of the delay in filing the present petition, the respondent could not file the relevant records as the same have been weeded out as per the retention schedule rules. It has to be seen how far, the documents relied by the petitioner can be taken in proving the case of the petitioner that he worked as a casual labour for more than 240 days.

12. The letter Ex. W1 dated 31-12-1985 which is a Xerox copy alleged to have been addressed by the Assistant Engineer to the employment exchange stating that the petitioner was selected as a Casual Mazdoor from 3-1-1985 though he got his name registered under the employment exchange, Ananthapur on 2-9-1985 and it also discloses that the names mentioned in the letter be taken as sponsored through employment exchange. It should be noted that by the time of writing this alleged letter on 31-12-1985, the petitioner was disengaged or terminated as per the admission of the petitioner. The said letter shows that the place of work of the petitioner and others name therein, is beyond 16 kms radius from employment exchange office, as such, it has to be treated that they are exempted from being sponsored directly by the employment exchange. If the version of the petitioner that he was terminated on the first of December 1985 is true, the question of writing the said letter to the employment exchange does not arise. The representation Ex. W2 does not show that the petitioner has put up musters of 206 days and further Ex. W2 does not bear any date. It is evident that it was written in the year 1991 after lapse of considerable period. It is significant to note in Ex. W2 that the petitioner has claimed that he was recruited and employed as a casual labour w.e.f. 17-12-1984 which is contrary to the averments made in the claim application. The certificate showing the musters Ex. W4 alleged to have been submitted by the Accounts Officer, does not bear any date. It is not known when it was given whether it was given before or after destroying the relevant records. The petitioner claimed that he was working with

the contractor and he was engaged by the contract on the request of the official of the respondent. If the petitioner is a worker under the contractor, it cannot be said that there is a relationship of employee and employer between the petitioner and the respondent.

13. The documentary evidence filed by the petitioner, does not prove satisfactorily that the petitioner has worked for more than 240 days as a casual labour under the respondent. It should be noted that for argument sake, even the petitioner has put in 240 days of service in a year, the same ipso facto would not lead to regularization of his services in view of the decision of the apex court in Madhyamic Shiksha Parishath Vs. Anil Kumar Mishra AIR 1994 SC 1638. The burden lies on the petitioner to prove that there is relationship of employer and employee exists between the respondent and the petitioner. The petitioner approached this Tribunal at this belated stage. The delay in approaching this Tribunal after 17 years suggests that he has abandoned his claim, if any. It should be noted that an appointment to regular post must be made in terms of the recruitment rules. If really the petitioner has worked for more than 240 as alleged by him, the respondent could have taken the same into consideration by applying the provisions of casual labour and (Grant of temporary status and regularization) scheme.

14. On considering the material on record, I hold that the petitioner is not entitled to the relief sought and an award is passed dismissing the petition.

Dictated to Shri P. Kanaka Raju. LDC transcribed by him, corrected by me and given under my hand and seal of this Court on this the day of 9th November, 2005.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for Petitioner	Witnesses examined for the Respondent
--------------------------------------	--

WW1 : G. Ramulu	MW1: H. Mohan Rao
-----------------	-------------------

Documents marked for the Petitioner

Ex W1: The Xeros copy of the letter dated 31-12-1985.
Ex W2: The Xerox copy of the letter dated nil.
Ex W3: The Xeros copy of the letter dated 21-4-1992.
Ex W4: The Xeros copy of the certificate dated nil.
Ex W5: The certificate dated 28-10-2002.

Documents marked for the Respondent

NIL.

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 161.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बदरपुर थर्मल पावर स्टेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं० II, नई दिल्ली के पंचाट (संदर्भ संख्या 127/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं० एल- 42012/178/87-आई आर (डी यू)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi the, 15th December, 2005

S.O 161.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.127/97) of the Central Government Industrial Tribunal/Labour Court, No. II New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Badarpur Thermal Power Station and their workman, which was received by the Central Government on 15-12-2005.

[No-L-42012/178/87-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, NEW DELHI

Presiding Officer : R. N. RAI I. D. No. 127/1997

IN MATTER OF :—

Sh. Subal Sil, Mazdoor,
Qtr. No. 17, Gali No. 4-A,
Molar Bund Extension,
Badarpur,
New Delhi-110044.

VERSUS

The General Manager,
National Thermal Power Corporation Ltd.,
Badarpur Thermal Power Station,
Badarpur,
New Delhi-110044.

AWARD

The Ministry of Labour by its letter No. L-42012/178/87-IR (DU) Central Government dt. 01-09-1997 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Badarpur Thermal Power Station, in terminating the service of Sh. Subal Sil, Mazdoor is legal and

justified? If not, to what relief the workman is entitled to?”

The workman applicant has filed written statement. In the written statement it has been stated that the above named Shri Subal Sil is the workman concerned in the present industrial dispute which is pending before this learned Tribunal for adjudication and the workman concerned is an employee of the M/s National Thermal Power Corporation Limited (N.T.P.C) (hereinafter to be referred as the Management) where the workmen concerned worked as Helper w.e.f. 2-2-1974 and thereafter as Technical Helper on daily rated basis following which the workman concerned was regularized and confirmed as Mazdoor w.e.f. 7-2-1980.

That the services of the workman concerned have been terminated by the management vide dismissal order dated 20-7-85 against which the workman concerned has raised an industrial dispute by giving a demand notice prior to filing of statement of claim before the Assistant Labour Commissioner (Central) New Delhi.

That the industrial dispute as raised was not referred for adjudication on the basis that criminal case as made and registered against the workman concerned is pending before the Court.

That the alleged criminal charges have not been proved before the learned Court of Metropolitan Magistrate as such the workmen concerned along with other workmen has been discharged by the Court vide orders dated 14-3-91 & 31-10-94.

That prior to it during the pendency of such case the workman concerned has filed a civil writ petition before the High Court of Delhi at New Delhi against the order of the Secretary (Labour) whereby industrial dispute as raised was refused to be referred by the appropriate Government.

That the workmen's work as Mazdoor remained satisfactory and as such no memo or chargesheet of any nature whatsoever has been served upon the workman concerned.

That the workman concerned has been participating in the peaceful activities of the Union due to which the management got irked and implicated the workman concerned in an incident which alleged to have taken place on 19-9-1984 wherein an assault was alleged to have been made on the General Manager (Badarpur) N.T.P.C.

That the workman concerned has never been involved in the alleged incident since the workman concerned resumed his duty in time after punching his card on 19-9-1984.

That despite this the workman concerned has been charge sheeted vide chargesheet dated 30-1-1985 to which the workman concerned has replied to vide reply dated 14-2-85.

That the said reply of the workman concerned has been stated by the management to be unsatisfactory and as such an enquiry was constituted vide letter dated 28-2-1985 to enquire into the alleged charges as levelled against the workman concerned.

That the workman concerned has also made an appeal against the dismissal order vide appeal dated 9-8-1985 which was also turned down vide management's letter dated 20-8-1985.

That the workman concerned vide letter dated 12-5-1987 demanded for the withdrawal of the dismissal order and reinstatement in service along with back wages and consequential benefits in view of the dismissal order being wrong, malafide, illegal as such unfair and unjustified.

That following this a legal notice dated 21-5-1989 was also served upon the management so as to avoid litigation but the same has not been replied by the management.

That following this a statement of claim was filed before the Assistant Labour Commissioner vide statement of claim dated 24-6-1987 in pursuance of which the present industrial dispute has been referred for adjudication.

That the management has held an ex-parte enquiry in violation of principles of natural justice and further the enquiry so held against the workman concerned is malafide, wrong and illegal.

That the said enquiry has been held in a biased and prejudicial manner as such the findings of the same cannot be relied upon. Moreover the copy of the said enquiry report has also not been given to the workman concerned.

That the finding of the enquiry officer are perverse and the same cannot be relied upon as such the punishment of dismissal as made out on basis of the said enquiry officer's report is wholly unjustified and the same has no basis whatsoever.

That the said enquiry has also been held in a mechanical manner only with a view to hold the alleged charges as proved and there has also been a collusion between the enquiry officer and the management.

That it is evident from the fact that the workman concerned has not been informed of the dates of the enquiry as and when the same has taken place.

That it is correct that the workman concerned has not been given any opportunity to defend himself in the enquiry as neither notice of the enquiry nor the date as fixed therein has been informed to the workman concerned.

That the workman concerned at no stage has stated that the enquiry proceedings will be boycotted. It is wrong to allege that the workman concerned has not participated in the enquiry on his own.

It is a matter of fact that the workman concerned was on leave from 8-4-1985 to 13-4-1985 and thereafter he remained on medical leave when the said enquiry has been held.

That when the workman concerned reported for duty he was not informed of any such enquiry as such the workman concerned has worked till 12-7-1985 and got further leave sanctioned from 13-7-1985 to 19-7-85.

That it is a matter of fact that the workman concerned was on duly sanctioned leave from 8-4-1985 to 15-4-1985 and was on Half Pay Leave from 16-4-1985 to 23-4-1985.

That the workman concerned was arrested by the Police on account of false and fabricated case as made on 16-7-1985 and the workman concerned came to know of the dismissal of his service only in jail vide letter dated 20-7-1985.

That it is also a matter of fact that the workman concerned was arrested when he was holding a dharna in support of demand for withdrawal of the chargesheet dated 30-1-1985 as made against the workman concerned.

That the workman concerned has appealed against his dismissal order vide appeal dated 9-8-85 response to which the workman concerned was called on 26-12-1985 vide management's letter dated 18-12-1985 on which day the Officer In Charge agreed that the action as taken against the workman concerned is wrong and illegal.

That as such the workman concerned has not proceeded further under the hope that the management will take favourable action on account of the opinion of the Officer Incharge to whom the workman concerned has met on 26-12-1985 in terms of letter dated 18-12-1985.

That as the management did not sent by communications to the workman concerned till April, 1987 the workman concerned made a representation dated 12-5-87 requesting the management to withdraw its wrong, malafide and illegal dismissal order and reinstate him in service with full back wages along with other consequential benefits arising there from to which the management has not replied to.

That it is also a matter of fact that the workman concerned has been victimized on account of his confide and peaceful trade union activities.

That while dismissing the workman concerned from service the management has neither given any notice nor paid any amount of compensation or any wages in lieu notice.

That the workman concerned at no point of time has ever refused to accept the notice of the enquiry. In fact the same has not been served upon the workman concerned as required.

That the appellate authority has also erred in law by dismissing the appeal of the workman concerned following which the industrial dispute has been raised. That the workman concerned has not been given due notice or wages in lieu thereof prior to his dismissal from service. That the workman concerned has also not been paid suspension allowance or any other amount during the suspension period and after dismissal.

That the workman concerned has been unemployed since the day of dismissal from service and his day-to-day expenses has been met by his wife and school going son who had to work on piece rate basis so as to meet the household expenses.

That the dismissal so made has led to serious problem to the workman concerned who is family man having marriageable daughter and school going sons who had to discontinue their studies on account of unemployment of the workman concerned.

That the workman concerned himself has become very weak and is merely surviving on account of only God grace. It is, therefore, most respectfully prayed that this learned Tribunal may be pleased to hold the dismissal order as made wrong, mala fide and illegal and be further pleased to grant reinstatement of the workman concerned in service with all the consequential benefits arising there from. It is also prayed that during the pendency of the industrial dispute the workman concerned may also be granted certain amount as interim relief.

The Management has filed written reply. In the written reply it has been stated that the three workers S/Shri Surinder, K. Kaushik, Nakchad and Subal Sil amongst others had instigated and/or incited the workers to indulge in riotous and/or disorderly behaviour and in furtherance thereof were directly involved in GHERAO AND ASSAULT OF SHRI V. SUNDERARAJAN the then GENERAL MANAGER, Badarpur Thermal Power Station and other officers of the respondent management on 19-9-84 when there was an unfortunate accident of the Haryana Roadways bus at Mathura Road in front of the gate No. 1 of BTPS. The aforesaid persons involved in committing the aforesaid misconducts and/or criminal offence also caused damages by standing on the dicky and the roof of the General Manager's car No. DHD 467 of the Company/Management and thereby caused damage to the property of the company as well. Not only that the said persons including Shri Subal Sil claimant herein had jumped on the aforesaid, the then General Manager (B) Shri V. Sunderarajan and tore off the collar of his shirt and started beating him along with Shri Surinder K. Kaushik, Timekeeper.

That the aforesaid acts besides constituting criminal offence also constitute serious misconducts and to say the least being subversive of discipline as well.

Accordingly in the interest of discipline and healthy administration the basis of fact finding report dt. 1-10-84 given by Shri J.C. Kalra, the then Executive Director (NR) pursuant to the officer order dt. 21-9-84 (copies of which are attached and marked as Annexure M-1 and M-2 respectively) *qua* the misconduct as per clause 14(3) (c) and (h) of the Model Standing Orders which are *ipso-facto* applicable (in the absence of certified standing orders as detailed by the management in communication dt. 30-1-85 of course—first by calling their explanation which was not adjusted satisfactory. Further in reply to chargesheet the Badarpur Karamchari Sanyukt. Morcha *vide* their letter dt. 2-2-85 (copy of which is attached and marked as Annex M-3) informed the management that they had been authorized by the chargesheeted employees including Sh. Subal Sil claimant as per their signatures on the said letter to represent them in the case.

The management accordingly issued a chargesheet dated 30-1-1985 to the erring employees namely Shri Subal Sil besides his other two erring employees namely Shri Nakchand and Shri Surinder K. Kaushik submitted his explanation dated 14-2-85 to the chargesheet dated 30-1-85 which was not adjudged satisfactory and in the light of preliminary/facts finding inquiry report dated 1-10-84 as aforesaid more so in the interest of justice and fairplay the management decided to conduct the departmental enquiry by appointing Sh. Venkataraman the then Dy. General Manager (PS) as the enquiry officer *vide* office order dated 28-2-85 Presenting Officer. A copy of the said order dated 28-2-1985 issued by Shri M.K. Sarkar the then ED(NCR) is attached with the statement of claim. The Badarpur Karamchari Sanyukt Morcha *vide* their letters dated 5-3-85 and 6-3-85 (copies of which are attached and marked as Annexure M-4 and M-5 respectively) informed the management and Shri G. Venkataraman, the enquiry officer, that the enquiry would be boycotted at all stage and no chargesheeted employee would attend the enquiry. The said letter dated 6-3-85 had been signed by the erring delinquent employees including Shri Subal Sil the claimant.

That the aforesaid enquiry officer of the rank of DGM (PS) started the proceedings by giving due notices to the concerned workers including Shri Subal Sil the claimant herein:—

The first notice dated 19-3-85 was issued for commencement of proceedings on 30-3-85 (copy of the said notice is attached herewith as Annexure M-6). But the claimant and his other two colleagues despite service of the notice one by the Registered post did not participate in the enquiry on the said date. That significantly the claimant through their union/association namely "Badarpur Karamchari Sanyukt Morcha" *vide* their communication dated 23-3-85 (copy attached herewith as Annexure M-7 clearly wrote to the enquiry officer that (they)/no employee would attend the enquiry and that the

enquiry will be boycotted At All Stage. It was also mentioned that they had already stated that no employee would attend the enquiry and the enquiry would be boycotted at all stages. It was also stated not to serve any notice of enquiry again and again to harass the employee. However, in the interest justice the enquiry officer after recording the enquiry proceeding adjourned the enquiry to 13-4-85 with due notice dated 30-3-85 to the claimant herein (copy of notice dated 30-3-85 is attached herewith as Annexure M-8).

That even on the adjourned date of enquiry i.e. 13-4-85 and despite the service of notice as before the claimant Shri Subal Sil like his other two colleagues absented from the enquiry as per boycott referred vide Annexure M-4, M-5, M-7 referred above. The enquiry officer as such held the proceeding ex-parte on 13-4-85. It is submitted that despite the facts that enquiry officer had already given two opportunities still in the interest of justice and fair play he gave yet another chance by way of final opportunity to the delinquent employees including Shri Subil Sil per notice dated 20-4-85 fixing the enquiry for 4-5-85 (copy of notice dated 20-4-85 is attached and marked as Annexure M-9).

In the circumstances the enquiry officer had no option but to proceed with the enquiry ex-parte as Shri Subal Sil the claimant refused to accept the enquiry notice while on duty. The enquiry had also been completely boycotted as referred to above earlier.

Significantly on this date too i.e. 4-5-85 the witnesses of the management whose evidence had been recorded ex-parte were present for cross examination by the delinquent employees who again choose to stay away from the enquiry as before. As such the presenting officer of the management made his submission dated 13-4-85 followed by arguments in writing on behalf of the management to the enquiry officer vide his note dated 4-5-85 copy of which is attached herewith as Annexure M-10.

That it is pertinent to state that even on the date of last hearing i.e. 4-5-85 the presenting officer had kept eight witnesses whose evidence had been recorded duly present in the officer of the enquiry officer for cross examination by the delinquent employees if they so desired as is evident from the enquiry report.

The enquiry officer in the light of the evidence led by the management witnesses duly supported by the documents submitted his report dated 27-5-85.

That the workers i.e. the three delinquent employees were provided with all reasonable opportunities and as neither the charge sheeted delinquent employee nor their Defence Assistant were present on any of the date of enquiry of repeated opportunities the enquiry officer had

to conclude the enquiry ex-parte as aforesaid culminating into findings of the enquiry officer as per report dated 27-5-85 with the following conclusions in the penultimate para 18 of the findings by holding delinquent employees guilty of the misconduct with the following pertinent observations :

"18—in view of the foregoing 1, as the enquiry officer hereby state that I based on the evidence and documents presented to me come to the conclusion that the 3 charged employees mentioned above have been directly involved in the assault of General Manager (B) NTPC and hence the charge of assault on them is proved beyond doubt."

A copy of the enquiry report is attached herewith as Annexure M-11 which form part of this reply.

Right of Appeal.—Exercised by the delinquent employees including Shri Subal Sil herein—

That pursuant to the above findings of the enquiry officer the disciplinary authority in the high rank of General Manager (acting Executive Director) Shri D.K. Shukla applied his mind and accepting the findings of the enquiry officer issued a show cause notice dated 16-7-85 (accompanied by the findings of enquiry officer dated 27-5-85) with the following pertinent observations:—"I am therefore convinced that end of justice will not be met unless you were dismissed from the service of the company. However, I allow the final opportunity to let me know in writing within 48 hours why you should not be dismissed from the services of the company with immediate effect.

In case you fail to offer any explanation within the time stipulated it will be presumed that you have nothing to say and necessary orders will be passed without waiting any further. A copy of the enquiry report together with annexure is attached."

That despite the service of the show cause notice dated 16-7-85 as aforesaid to delinquent employees including Shri Subal Sil they failed to submit any reply thereto. In the circumstances the disciplinary authority passed the order of dismissal dated 20-7-85 with immediate effect (copy attached herewith as Annexure M-12).

That significantly all the delinquent employees including Shri Subal Sil exercised their right of appeal against the aforesaid order of dismissal dated 20-7-85 and pursuant thereto filed a petition of appeal dated 8-8-85. The Chairman and Managing Director of the respondent corporation appointed Shri P. S. Bami the then Director (Finance) NTPC as the appellate authority vide his officer order dated 10-12-85 who in turn issued the notice dated 18-12-1985 (copy of which is attached herewith as Annexure M-14) separately to each of the delinquent employee including Shri Subal Sil herein and also accompanied by the copy of the preliminary report (facts finding report) as desired.

In furtherance of natural justice the appellate authority also invited the additional points if any which the appellant would like to make for consideration of their appeal as is evident from the aforesaid notice dated 18-12-85 (M-14).

That all the appellants including Shri Subalsil submitted their additional points besides the original appeal which were duly recorded by the appellate authority.

That all the appellate authority also allowed the Defence assistance to present their case before him i.e. the appellate authority which request of the delinquent employees including Shri Subalsil I was acceded to and the delinquent employees were represented by the following Defence assistance :

Name of the appellant	Represented by
Sh. Subalsil	Sh. M.P. Tewari
Sh. Surinder K. Kaushik	Sh. Om Prakash
Sh. Nakohed	Sh. M.P. Tewari

That all the delinquent employees including Shri Subalsil were given personal hearings and duly represented by the respective Defence assistants as is evident from the decision dated 4-6-86 of the appellate authority (copy of which is attached herewith as Annexure M-15). A copy of the said decision has already been filed in the statement or claims but relevant statement showing service of enquiry notice had not been enclosed.

That the submission of Shri Subalsil as made before the appellate authority i.e. the then Director (Finance) NTPC are dealt at page 4 onwards. The appellate authority by a self speaking orders dated 4-6-86 (forming part of his reply) after giving due opportunity including that of personal hearing to the appellants including Shri Subalsil rejected the appeals, discussed the evidence including on aspect of documents and the opportunity provided and came to the conclusion which is summed up as under :—

"The enquiry officer has given all reasonable opportunity to the delinquent employees in view of their refusal to accept the notice added by clear intimation on the part of their union/association that they would not participate in the enquiry, the enquiry officer as such had to proceed *ex parte* vide page 7 (para 6.1.2 of the decision of the appellate authority with the following pertinent observation—

"From the above it is evident that the three charge sheeted employees (i.e., including Sh. Subalsil the claimant herein) has been GIVEN AMPLE AND SUFFICIENT OPPORTUNITY TO DEFEND THEIR CASES having examination of the witnesses/evidences from their side."

Brackets Added-Emphasis supplied.

Thereby rejected the contentions of the appellants.

That the appellate authority after rejecting their own contention had also rejected the contentions of the appellant including Shri Subalsil that they were not present on the spot. That after discussing documentary evidence duly supported by the witnesses—

Shri V. Sundrarajan GM(B) the complainant and the victim of assault.

Shri V.K. Kapoor, Inspector who was present at the spot of incident and had seen these three present assaulting the complainant.

Shri R. K. Behal. Sr. Inspector (Security) who was present at the incident spot had deposed having seen Shri Subalsil and Sh. Surinder K. Kaushik as prominent persons assaulting the complainant.

Sh. R. Thiruvengadaswamy, Superintendent (O&M) who had also witnessed the assault had identified the three appellants to have assaulted the complainant.

Sh. B. D. Kathuria, Sr. Administrative Officer

Sh. Hem Chand, Security Inspector

Sh. K. S. Rawat, Security Guard

Sh. Desh Raj, Security Guard

Sh. W. Singh, Sr. Inspector

That significantly Shri Subalsil had also raise the contention of alibi which having not been supported by any documentary evidence had been rejected by the appellate authority at page 10 of decision stating.

"NO EVIDENCE WAS PRODUCED BY THE SAID APPELLANT BEFORE THE ENQUIRY OFFICER OR BEFORE ME AND HENCE HIS CONTENTION OF ALIBI HAS NOT BEEN ESTABLISHED"

The appellant authority further held that—

"ALL THE WITNESSES FROM VARIOUS RANKS PRODUCED BY THE MANAGEMENT'S REPRESENTATIVE HAVE DEPOSED THAT THESE THREE APPELLANTS WERE PRESENT AT THE PLACE OF INCIDENT AND WERE INVOLVED IN THE ASSAULT OF THE GENERAL MANAGER (BADARPUR STATION)"

contrary to this the three appellants when provided opportunity had not presented any evidence of their alibi.

Even in personal hearing before me they have not mentioned any detail or any evidence to SUBSTANTIATE THEIR PLEA OF ALIBI. FROM THE ABOVE IT IS SEEN THAT THE DEFENCE OF ALIBI PLEADED BY THE APPELLANTS DOES NOT HOLD GOOD AND IS NOT SUPPORTED BY ANY EVIDENCE HENCE REJECTED.

That significantly on the aspect of misconduct of assault the appellant authority after discussing the same

in his decision at page 11 (annexure M-14) has observed that—

“Besides it is relevant to state/point that the incident of assault is not denied by defence but what denies is their presence there. The eye witness present at the incident have identified them and proved their involvement. The case has been established fully on the material particulars by the Management Evidence.”

And thereby the appellate authority rejected the contentions of the appellants including Shri Subalsil claimant therein qua so called bias and/or victimization.

That thereafter the appellate authority also rejected the untenable contentions qua the preliminary hearings with an emphasis on the aspect of identification (inclusive of malafide and victimization) with the following emphasis at page 12 in Para 6.1.10 as under :

“As is clear from the position from the above the identification of delinquent and guilty workman was not malafide. Hence this contention of the appellants has ground and is rejected.”

That the other contentions raised as detailed in para 6.1.11 was the enquiry report is preserve and vitiated for want of service of notice which in the light of discussions made by the appellate authority herein above and duly supported by the documentary evidence has to be rejected as without force.

That yet an other contentions raised by the appellants including Shri Subalsil herein was that the decision to take the disciplinary action has been taken at the instance of the then CMD which directly opposed to the alleged assurance given by the management that no action will be taken against the erring employees which too has been rejected by the appellate authority with emphasis that there was no commitment for not taking any action against the employees for the incident of 19-9-84 with an emphasis that this contention is against the evidence on record before the enquiry officer and likewise the plea of the victimization has also been rejected as without force as discussed by the appellate authority at page 13 in para 6.1.11 of his order with the following pertinent observations—

The appellants have not been able to produce any Material Evidence to establish their contention that there was an agreement that no disciplinary action will be taken against the workers who had physically assaulted the Chief Executive of the Project. Hence this contention does not also hold good.

That still yet another contention raised by the appellant that the decision of the disciplinary authority is

against the rules and regulations as the appellants were not given the show cause before awarding punishment on the ground that they were arrested under ESMA on 16-7-85 and thereafter released on 24-7-85. It is stated that the appellate authority has rejected this contention of the appellant as untenable duly supported by the records as such as discussed in para 6.1.12 at page 13 of order viz—

That as per the record the second show cause notice dt. 16-7-85 was issued to these three employees including Shri Subalsil herein duly accompanied by the documents i.e. the enquiry report etc. and thereby asking them to show cause as to why for charges established in the enquiry which were of very grave nature they should not be dismissed from the service of the company with an emphasis that these show cause notices were served on the appellants through Superintendent (Jail) as per the records.

That likewise the prayer as made by the appellant for modification of the punishment has been rejected under Para 6.1.12 by the appellate authority at page 12 with an emphasis that the misconduct proved at the enquiry being grave and serious in nature there are no extenuating circumstances to justify the modification of the order passed by the disciplinary authority. That the appellate authority has also rejected the contention raised by the appellants vide their letter dt. 12-4-85 to the effect that they were not involved in the incident of 19-9-84 subject matter of enquiry which has been rejected by the appellate authority with emphasis that it is not supported by any evidence despite appellants have been provided personal hearing as discussed (Para 6.2.1).

That in the following sub para of 6.2, the appellate authority has also rejected the contentions of the appellant qua the preliminary enquiry with an emphasis that the preliminary enquiry comprised of facts case was adjudged that the incident was of violence mass indiscipline and vandalism and that the management has taken police action immediately coupled with an FIR in this behalf dated 20-9-84 with an emphasis in this behalf in Para 6.2.5, in the following words—

“From whatever has been discussed above and whatever has been established in the enquiry it is evident that there was vandalism indiscipline and assault on General Manager (Badarpur) and it was not a creation and after.”

IN RE: PERSONAL HEARING DURING THE APPEAL :

The appellate authority has dealt with the contentions raised by the appellants before him about the personal hearing at page 16, 17 and 18 (from paras 6, 3.1 sub-para (a) and while rejecting the contention of the appellant the appellate authority has come to the following

conclusions thereby upholding the actions of the disciplinary authority with an emphasis in para 7 which being relevant is reproduced hereunder for your honour's ready reference and convenience.

That the matter is delayed by laches as well.

Without prejudice to each and every contention raised in the salient features of the case and the preliminary objections has to submit as under by way of parawise reply to the statement of claim.

It is submitted that the nature of disciplinary and criminal proceedings is not the same. Enquiry proceedings are based on preponderance of evidence and criminal case based on the principal of doubt has no bearing on a proper enquiry in compliance with the principles of natural justice. The contents of para 2 and 3 above are reiterated in the matter. It is also relevant to submit that claimant and other accused persons had been acquitted in the criminal case due to lack of evidence forthcoming and complainant having not been produced/having appeared. In this regard relevant is affidavit dated 3-8-93 (copy enclosed herewith as annexure M-17) the complainant has stated that the persons prosecuted in the case being employees/re-employees (including Shri Subalsil) most of whom had at some stage or the other have expressed regrets for the joint incident and behaviour and that in his personal capacity he had long back forgiven them. Also relevant are observations in the criminal case judgement dated 31-10-94 (copy already filed in the statement of claim) that in the present case punishment for offence committed by the accused persons are not more than 3 years and the accused persons have already faced trial for about 11 years and there is no reasons for giving further adjournment. It is further submitted that in the enquiry case the misconduct is fully established by the witnesses as discussed above and relevant in the matter are annexure M-14 and M-15. It is also submitted that the scope of domestic enquiry is otherwise also wider and a criminal case finding has no bearing on punishment awarded consequent to a proper enquiry and decision of the appellate authority complying with the principles of natural justice.

It is a matter of fact that the claimant participated in the assault of the then General Manager for which he was chargesheeted and enquiry conducted which he boycotted consistently. The punishment awarded to the claimant is on basis of a proper enquiry and decision of the appellate authority as referred in reply to para 4 above.

It is submitted that the claimant was present at the place of incident of assault of General Manager on 19-9-84 as chargesheeted and this is fully established on the basis of evidence at the enquiry.

It is further submitted that as the claimant had refused to accept the show cause notice dated 16-7-85 for dismissal

the same had been served on him through Supdt. (Jail) along with the copy of the enquiry report and Annexures thereto. Relevant in this regard is the acknowledgement dated 17-7-85 endorsed by the Assistant Superintendent Distt. Jail, New Delhi (copy enclosed herewith and marked as annexure M-18) hereto. 18-19 that the contents of Para 18 and 19 are incorrect and denied. In this regard the contents of Para 2 and 3 above are re-iterated. It is further denied that there was ever any collusion between the enquiry officer and the management as alleged. The enquiry had been conducted impartially and as per principle of natural justice.

It is submitted that the first hearing of the enquiry had been fixed for 30-3-85 and communication to this effect was given to the claimant under enquiry notice dated 19-3-85. The claimant had refused the dais notice on 21-3-85 while on duty. As the chargesheeted employee including Shri Subalsil claimant had not participated in the enquiry the same was adjourned to 13-4-85 to provide another opportunity for Defence vide enquiry notice dated 30-3-85 which was again refused by the claimant when it was personally served on him while on duty on 5-4-85. In case the claimant was to proceed on leave as contended he should have approached the enquiry officer for an adjourned otherwise also no prejudice was caused as only the examination-in-chief of the management witnesses was recorded and the enquiry adjourned vide enquiry a final opportunity for participation and Defence. Registered postal service of this notice was also refused by the claimant on 25-4-85. Copies of the enquiry notices have already been produced herein above as annexure M-7, M-8 and M-9 also enclosed is copy of refusal endorsed by the postal authorities as annexure M-23. The contents of Para 20 to 22 above are also reiterated in the matter.

The workman has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

The management has not pressed for decision of the fairness of the inquiry as preliminary issue. Heard arguments from both the sides. It seems essential to narrate in brief the incident and the proceedings of the inquiry. The incident took place on 19-09-1984 and two childrens of the employees and a relative of an employee were crushed to death by a bus on 19-09-1984 and this sparked off riotous mob. The employees of the respondents assembled at one place and they started slogan shouting and instigated the workmen to beat the General Manager as he was allegedly responsible for the unfortunate and tragic killing of two childrens of the employees and a relative of an employee. Subsequent to the incident an inquiry was constituted and notices were issued dated

19-03-1985 for the first date of inquiry on 30-03-1985 but despite the services of the notice by registered post and by personal service the workman did not participate in the inquiry on 13-04-1985. The Union of the workman by letter dated 23-03-1985 addressed to the Inquiry Officer stated that no employee would attend the inquiry and that the inquiry will be boycotted at all the stages so none appeared on 13-04-1985. However, the Inquiry Officer in the interest of justice adjourned the inquiry to 04-05-1985 and notice dated 20-04-1985 was issued to the workman but the workman did not appear on that date and the inquiry proceeded ex-parte and the inquiry was concluded on 04-05-1985 by taking ex-parte evidence of the witnesses and the Inquiry Officer gave his findings on 27-05-1985. From the admitted facts it becomes quite obvious that inquiry was held on two dates i.e. on 13-04-1985 and 04-05-1985 and ex-parte evidence was taken on 04-05-1985.

It was submitted from the side of the workman that the management was predetermined to punish the workman so the inquiry was completed on 04-05-1985. It was further submitted from the side of the workman that there was no need of such hottest haste. It is true that the Union has written letter dated 23-03-1985 to the effect that the inquiry will be boycotted at all the stages. It is also true that the workman has authorized the union to represent him in the inquiry proceedings. The case of the management is that two notices were sent to the workman one on 30-03-1985 and other on 20-04-1985. The notices were sent by registered post and they were also served personally. On the inquiry proceedings there is no proof that notices have been sent by registered post. There is no receipt of the registered posting of the notices. The workman refused to receive the notices and put his signature before the witness as alleged by the management. The management was duty bound to serve workman by registered post regarding the two hearings of the inquiry proceedings but there is no receipt of sending the notices dated 30-03-1985 and 20-04-1985 on the proceedings of the inquiry. The Union has decided to boycott the inquiry at all the stages but the chargesheet has not been served on the Union. The workman is admittedly a Mazdoor. The union was bent upon inciting the innocent mazdoor.

In the circumstances it was justified that the management should send registered notice to the workman. The first date of inquiry was 30-03-1985. The second date was 13-04-1985 and the third date was 04-05-1985. The entire inquiry was concluded between 30-03-1985 and 04-05-1985 so exactly 35 days for the entire inquiry was given and within these 35 days the inquiry was concluded and the Inquiry Officer gave his findings on 27-05-1985. There is indeed the fault of the Union and the workman was unduly influenced by the Union not to participate in the inquiry. Nevertheless registered notice to the workman should be sent. There is no bar for concluding the entire inquiry proceedings within 35 days. The management can

do so but the circumstances of the case warrants that sufficient opportunity should be given to the workman. The workman has been found guilty of misconduct. The workman has replied to the chargesheet but he did not appear on 30-03-1985, 13-04-1985 and 04-05-1985 in the inquiry proceedings.

It was further submitted from the side of the workman that an officer was appointed to give a report regarding the circumstances which sparked off mob behaviour and slogan shouting. The GM has decided for converting the root of the bus but his decision was not implemented urgently. Excess time was taken. The fact finding officer has stated in his report that the decision to change the root of the bus proceeded in routine manner. In case the bus would have started plying as decided by the GM the cause of provocation may not have occurred at all. After the event everyone is wise. He has further stated that there are lapses on the part of the management which led to the unfortunate incident. So there is representation from the side of the employee to divert the root of the bus to avert the incident and in case the decision of the GM has been implemented by the officers the incident could have been averted. There were lapses on the part of the management and this led to the unfortunate incident of killing of two children of the employees and one relative of an employee.

The fact finding officer has further mentioned that the GM tried to explain to the people that he had recently passed orders for bus to start from temporary colony but nobody was in mood to listen to him. This was the immediate cause of the incident. The Preliminary Investigation Officer has reported that the persons who directly took part in inciting are Shri Subal Sil, Shri Kaushik, Shri Nakched, Shri Ram Avtar, Shri, Manour Ali, Shri N.B. Rao Choudhary and the persons who incited are Shri Kisan Chand, Shri Inder Singh, Shri Balder Singh, Shri Subhash Sharma. According to the Preliminary Investigation 10 employees of the respondents were involved in inciting and subsequent action but the three workmen Subsil, Kaushik and Nackhed have been picked out and the others have been let off.

FIR has been registered against 10 persons and all the 10 persons have been acquitted as none supported the case of the prosecution. The two witnesses who have deposed in the inquiry proceedings stated in Court that they had no knowledge of the case. The GM the complainant did not appear during the trial however, he sent a letter that incident was unfortunate but he did not like to give evidence in the criminal case as such the Court acquitted all the chargesheeted employees as there was no evidence worth the name.

It was submitted from the side of the workman that the GM was the victim of the incident but he did not appear in Court thinking that he was assaulted due to employees.

It was further submitted from the side of the management that principles of natural justice are incapable of any exact definition. They are to be ascertained in the facts and circumstances of the case. The Union leaders instigated the innocent mazdoor to retaliate against the killings of two childrens and one relative by bus. The GM has also admitted that he has ordered for diversion of the bus. Had his order been implemented within time this incident would not have occurred? So the workmen thought that these three killings are due to inaction of the GM and the angry mob attacked the GM. The behaviour of the 10 chargesheeted employees is no doubt subversive of discipline and constituted grave misconduct and a criminal offence as well. The management should have initiated inquiry against all the 10 employees who have been accused on the basis of the FIR lodged by the management but the management had recourse to pick and choose policy and to make discrimination. The Union leaders are mainly responsible for provoking the innocent mazdoors but they have got scot free. The management did not initiate inquiries against them as they would resort to further strike and demonstrations. If the principal criminals are let loose then the innocent should not be picked up and punished.

It was further submitted from side of the workman that there was grave and sudden provocation and the workman lost their power of self control though their behaviour is condemnable and depreciable but none the less it has been caused by grave and sudden provocation. Even in criminal offence where an act is caused in grave and sudden provocation minimum punishment is given. The sudden fights or sudden quarrels are occasioned by sudden and grave provocation. The disciplinary authority should have taken into account this aspect of the case but it has not been dealt with as is evident from the order of imposition of punishment of dismissal on the workman. To conclude the inquiry was conducted in the hottest haste and in the circumstances bias is inferred. Sufficient opportunity also implies that proper time should be given for a person to cool down. In that case the workman would have participated in the inquiry but the entire inquiry has been concluded on only three dates. It was further submitted from the side of the workman that the witnesses who gave statement before the inquiry committee resiled in the criminal court and they did not support the prosecution case. The trial was held at the same set of charges on which domestic inquiry has been conducted. The sophisticated rules of the evidence act are not applicable in departmental inquiries and even the workman can be held guilty of misconduct on preponderance of probability. In the instant case the workman caused hurt to the GM under grave and sudden provocation. This aspect should have been considered by the disciplinary authority and particularly in view of a layman or mazdoor

who has been instigated by the union leaders for discriminal offence.

It was submitted from the side of the workman that though proceedings in a criminal case and the departmental proceedings operate in distinct and different jurisdictional areas. The standard of proof in departmental proceedings are different from the criminal proceedings but the case is quite different. If both the proceedings are based on the same set of facts and the evidence in both the proceedings are common without there being any variance. In the instant case the evidence in the departmental inquiry was the same as in the criminal proceedings. The facts are also the same i.e. assault by the workman on the GM. The witnesses who supported the chargesheet against the workman resiled in the criminal court. The complainant thought it better not to appear in evidence. In the circumstances it has been held in JT 1999 (2) SC 456—if departmental proceedings and criminal proceedings are on the same set of facts and if the employee is acquitted in a criminal trial it would be unfair and unjust to allow the findings of the inquiry proceedings to stand.

There are two aspects of this case, principles of natural justice have not been observed and the inquiry has been concluded in the hottest haste. So the principles of natural justice have not been followed and if the case is taken at its worst side and if the inquiry is held fair the punishment is shockingly disproportionate and the workman should not be given their full wages as they have been indulged in serious misconduct and they have subvertive of discipline but they are innocent mazdoors and labourers and they have agitated on the instigation of the union leaders so he should be reinstated on only 50% wages in view of his misconduct. The law cited by the management are not applicable in the facts and circumstances of the present case.

The reference is replied thus :—

The action of the management of Badarpur Thermal Power Station in terminating the services of Shri Subal Sil, Mazdoor is neither absolutely legal nor justified. The workman applicant is entitled to be reinstated in service with 50% backwages. The management should reinstate the workman and pay him the arrears of wages as aforesaid within two months from the date of publication of the award.

Award is given accordingly.

Date : 22-11-2005

R.N. RAI, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 162.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आल इंडियन रेडियो के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं० II, नई दिल्ली के पंचाट (संदर्भ संख्या 19/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं० एल- 42011/72/1999-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 162— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/2000) of the Central Government Industrial Tribunal/Labour Court, No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of All India Radio and their workmen, which was received by the Central Government on 15-12-2005.

[No-L- 42011/72/1999-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, NEW DELHI

Presiding Officer : R. N. RAI I. D. No. 19/2000

IN THE MATTER OF :—

Shri Antu Dass and Kartar Singh
As represented by
The President,
Janvadi General Kamgar Mazdoor Union,
E-26, (Old Qtr.), Raja Bazar,
Baba Kharak Singh Marg,
New Delhi-110001

VERSUS

Executive Engineer,
All India Radio,
Division 3, Lodi Road Complex,
Soochana Bhavan,
New Delhi-110003

AWARD

The Ministry of Labour by its letter No. L-42011/72/99-IR (DU) Central Government dt. 27-1-2000 has referred the following point for adjudication.

The point runs as under :—

“Whether the action of the Executive Engineer, Civil Construction Wing, All India Radio, Division No. 3 New Delhi in not regularizing services of Sh. Antu Dass and Sh. Kartar Singh as Beldar w.e.f. 31-7-91 and not paying them equal pay for

equal work is fair, legal and justified? If not, to what relief the workmen concerned are entitled?”

The workmen applicant has filed claim statement. In the claim statement it has been stated that Shri Antu Dass S/o. Shri Dukhan Das and Shri Kartar Singh S/o. Late Shri Ramdiay were initially engaged as Muster Roll Beldars on 1-8-84 and 1-4-85 respectively by the above management.

The services of Shri Antu Dass were terminated w.e.f. 4-8-87 and he was reinstated w.e.f. 24-6-93 by the order of CAT dated 17-1-92.

That similarly Shri Kartar Singh was also reinstated w.e.f. 14-5-93 by the order of CAT dated 27-11-92.

That the management of All India Radio have regularized the services of Juniors S/Shri Chander Singh Negi, Shiv Kumar Rawat and Smt. Omwati w.e.f. 31-7-91 and 25-1-94 respectively.

That Shri Chander Singh Negi and Shiv Kumar Rawat were appointed as Muster Roll Beldars in the year 1987 and Smt. Omwati was engaged in the year 1988 as Muster Roll Beldar and the above workmen are juniors to S/Shri Antu Das as well as Kartar Singh, whose services have been regularized by the management in the proper time scale without following the provision of principals of natural justice.

That the workmen Antu Das and Kartar Singh were getting their wages only in the time scale without increment.

That as per the policy of the Government of India Department of Personnel & Training vide their O.M. No. 49014/2/86-Estt. (C) dated 7-6-88, the daily rated workers performing same and similar duties as regular workmen were allowed to receive the wages in the time scale w.e.f. 7-6-88 but these workmen have been getting their wages in the time scale of Rs. 750-940 and subsequently revised w.e.f. 1-1-96 with all allowance except increment revised w.e.f. 1-1-96 with all allowance except increment which is against the policy of the Government. Copy of the said O.M. dated 7-6-88 is enclosed and marked as Annexure-A.

That further the Department of personnel and Training vide their O.M. No. 51016/2/90-Estt.(C) dated 10th Sept., 1993 have also granted temporary status and regularization of casual workers so these workmen are also entitled to receive wages along with increment, casual leave w.e.f. 1-9-93 but the management also violated the said O.M. Copy of the said O.M. dated 10th Sept., 1993 is enclosed and marked as Annexure-B.

That as per Deptt. of Personnel & Training vide their O.M. dated 10th Sept., 93 that the workmen are entitled to additional benefits as para-9 of the said O.M. as the All India Radio being an industrial establishment.

That the workmen are entitled to be regularized from the date when their juniors were regularized i.e. w.e.f. 31-7-91.

That the services of the workmen have not been regularized by the management with a view to deny them the regular and permanent status so the management is indulging in unfair labour practice as envisaged in item 10 of Unfair Labour practice under Section 2(ra) of the Industrial Disputes Act and the same is reproduced as under :

"To employ workmen as badlis casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent workmen."

That the workmen have been doing same duties as their counterparts have been performing their duties as Beldar and their nature of duty and duty hours are same so the workmen connected with the dispute are also entitled to receive the wages from the date of their initial employment in the time scale as per the policy for equal pay for equal work.

That the workmen are entitled to be regularized in the time scale from the date of their juniors were regularized as Beldar i.e. w.e.f. 31-7-91.

The Management has filed written reply. In the written reply it has been stated that the appointment and regularization of service of the workmen quoted by the applicants, were done by some other Division of this organization i.e., Division-I, CCW, AIR, New Delhi on the basis of seniority list prepared and considered for the period upto 1987 & 1988. As the applicant's cases were in court proceedings and their names were not in service roll, they were not considered for regularization (Enclosed Annexure) B-1 to B-20.

The workmen are not under regular establishment, the matter of which is in dispute hence increment not granted. However, temporary status has been granted & since 10-9-93 increments have been released.

D.O. P & T OM No. 51016/2/90-Estt. dated 10-9-93 has been implemented and temporary status to the workmen has been granted w.e.f. their eligible dated (Enclosed Annexure) A-1 to A-3.

Para No. 9 of D.O. P & T dated 10-9-93 is about instruction after regularization the matter of which is yet to be decided by the Court CAT. As regard to benefits admissible under above OM dated 10-9-93 these are being provided to the workmen.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written

statement. The management has also denied most of the paras of the claim statement.

Evidence of the both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It is admitted case of both the parties that Shri Antu Dass was initially engaged on muster roll as Beldar on 1-8-1984 and Shri Kartar Singh was initially engaged on muster roll as Beldar on 1-4-1985. It is also admitted to both the sides that the services of Shri Antu Dass was terminated on 4-8-1987 but he was reinstated on 24-6-1993 by order of the CAT dated 17-1-1993. The services of Shri Kartar Singh were terminated on 31-3-1987 and he was also reinstated w.e.f. 24-5-1993 by order of the CAT dated 27-11-1992. It is also admitted case to both the parties that Shri Negi and Shri Shiv Kumar Rawat were appointed as muster roll beldars in 1987 and Smt. Umawati was engaged in 1988. It is also admitted case that the services of Shri C.S. Negi and Shri Shiv Kumar Rawat were regularized in time scale w.e.f. 31-7-1991 and services of Smt. Umawati was regularized w.e.f. 25-01-1994. It is also the admitted case of the management that Shri Antu Dass and Shri Kartar Singh were not regularized because they were not on the roll. It is also admitted by the management that the services of the workman were not considered for regularization from the date when their juniors were regularized after reinstatement of these workmen. It has been also admitted by the management that rules and regulations of the muster roll workmen are adopted by the management so the management has admitted that Shri C.S. Negi and Shri Shiv Kumar Rawat and Smt. Umawati engaged as muster roll Beldar in 1987 and 1988 respectively and their services have been regularized in time scale w.e.f. 31-7-1991 and 25-01-1994 respectively.

It was submitted from the side of the workmen that discrimination has been made against them for simple reason that they were reinstated by order of the Hon'ble CAT. It is settled law that that after reinstatement an employee is deemed to be serving continuously from the of date his reinstatement and any break in service cannot even be assumed. The workmen joined service in 1984 and 1985 but they have not been regularized in time scale w.e.f. 31-7-1991. Shri C.S. Negi and Shri Shiv Kumar Rawat and Smt. Umawati are doubtless juniors to these muster roll Beldar but the management has not considered the case of the workmen as they were reinstated from the order of the CAT. The management witness has admitted that the case of these workmen was not considered as they were not on the rolls at that time. They joined services after the order of the CAT. The management should have considered their cases after reinstatement and they should have been similarly placed and their services should have been regularized at least from 31-7-1991 but the management has followed the policy of discrimination in order to

penalize the workman for taking the shelter of the CAT for reinstatement. Such discrimination is not warranted in the fact and circumstances of the case. After reinstatement these workmen should be deemed engaged from 1-8-1984 and 1-4-1985 respectively and their cases for regularization in time scale should also be considered. The management has followed discriminatory policy. The workmen applicant deserve to be regularized in time scale w.e.f. 31-7-1991 and they should be paid equal pay for equal work and they are entitled to get all the arrears which accrue in view of regularization w.e.f. 31-7-1991.

The reference is replied thus :—

The action of the Executive Engineer, Civil Construction Wing, All India Radio, Division No. 3, New Delhi in not regularizing the services of Shri Antu Dass and Shri Kartar Singh as Beldar w.e.f. 31-7-1991 and not paying them equal pay for equal work is neither fair nor legal and nor justified. The workman should be regularised in time scale from 31-7-1991 and they should be paid their entire arrears within two months from the publication of the award.

Award is given accordingly.

Date 16-11-2005

R.N. RAI, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 163.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आल इंडिया रेडियो के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं० II, नई दिल्ली के पंचाट (संदर्भ संख्या 32/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं० एल- 42011/87/1999-आई आर (डी यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th December, 2005.

S.O. 163.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 32/2000) of the Central Government Industrial Tribunal/Labour Court. No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between employers in relation to the management of All India Radio and their workman, which was received by the Central Government on 15-12-2005.

[No-L-42011/1999-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer : R. N. RAI

I. D. No. 32/2000

IN THE MATTER OF :—

Shri Radhey Shyam,
C/o The President,
Janvadi General Kamgar Mazdoor Union,
C/o E-26, Raja Bazar, (Old Qtrs.),
Baba Khark Singh Marg,
New Delhi-110001

VERSUS

The Executive Engineer,
Civil Construction Wing,
Division 3, Lodi Road Complex,
New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-42011/87/99-IR (DU) Central Government dt. 18-2-2000 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of the Executive Engineer, Civil Construction Wing, All India Radio, Division No. 3, New Delhi in not regularizing the services of Sh. Radhey Shyam, Beldar w.e.f. 1-7-89 and not paying his equal pay for equal work is fair, legal and justified? If not, to what relief the workman entitled?”

The workman applicant has filed claim statement. In the claim statement it has been stated that Shri Radhey Shyam workman was initially employed as Muster Roll Beldar under Executive Engineer, Division-3, All India Radio, Soochana Bhavan, Lodi Road Complex, New Delhi w.e.f. 12-1-1998.

That the services of the workman were terminated w.e.f. 30-3-1985 and the Presiding Officer, Central Govt. Industrial Tribunal, New Delhi in ID No. 31/97 have awarded reinstatement with continuity in service and full back wages. Copy of the said award is enclosed herewith and marked as Annexure-A with this application.

That in pursuance of the Award of Central Govt. Industrial Tribunal, the workman was taken on Job on 9-4-1996 and was also paid wages (back wages) amounting to Rs. 1,06,127/- and deducted unlawfully Rs. 19,269/- as income tax for which the complaint is pending before Hon'ble Regional Labour Commissioner (Central), New Delhi.

That as per the award, the whole services of the workman is treated as on duty and for that back wages were also granted by the Hon'ble Central Government Industrial Tribunal, New Delhi.

That the management appointed the workman while implementing the award of Hon'ble Central Govt. Industrial Tribunal vide management order dated 19-4-1996 and the workman was placed in the minimum basic pay of Rs. 750/- in the pay scale of Rs. 750-940 plus usual allowance. Copy of the same is enclosed herewith and makes as Annexure-B with this application.

That when the workman was terminated from service, the Junior Workman Shri Dara Singh was appointed as daily rated Beldar on 7-5-84 and Shri Udai Pal who was also appointed as daily rated Beldar on 1-2-84, their services were regularized w.e.f. 4-7-89 and 1-7-89 respectively.

That had the services of the workman Shri Radhey Shyam workman had not been terminated then his services would have also been regularized from the same date w.e.f. 1-7-89 in the scale of Rs. 750-940 and subsequently revised to Rs. 2550-3050 with all allowance.

That the appointment letter of Shri Dara Singh and Officer order dated July, 1998 in which the date of appointment was indicated in the chart are also enclosed as Annexure-'C' & 'D' respectively.

That the workman Shri Radhey Shyam was also discriminated in the payment of equal pay for equal work after reinstatement w.e.f. 7-6-88 as per O.M. No.

That the workman Shri Radhey Shyam is entitled to be regularized from the date when his juniors were regularized i.e. w.e.f. 1-7-89.

That the services of the workmen have not been regularized by the management with a view to deny him the regular and permanent status so the management is indulging in unfair labour practice as envisaged in item 10 of the unfair labour practice under section 2(ra) of the Industrial Disputes Act.

That the workman has been doing same duties as his counterparts have been performing their duties as Beldar and their nature of duty and duty hours are same so the workman connected with the dispute is also entitled to receive the wages from the date of his initial employment in the time scale as per the policy for equal pay for equal work. That the workman is entitled to be regularized in the time scale from the date his juniors were regularized i.e. w.e.f. 1-7-89.

The management has filed written reply. In the written reply it has been stated that as regards to Income Tax Deduction of Rs. 19,269/- advice has been sought from

the Income Tax Officer vide this office letter No. 29(1)98-S/Div.III/2132 dated 29-10-97 & No. 29(1)-S/Div.III/126 dated 24-4-98 for release of the said amount, if it should not have been deducted under any provision of Income Tax Rules. as Income Tax once deducted at source is credited under Revenue Head & only I.T.O is empowered to initiate necessary action to make refund/ release of the deducted amount. The advice from I.T.O. is awaited and the workman has also been apprised of the situation (Annexure A1 to A3).

As per the CGIT Award the workman was reinstated into service in Muster Roll and all the back wages have been paid to him. As regard continuity of service from the back period, it can be regularized only on the basis of availability of work & vacancy.

The workman was placed in the Muster Roll in the scale of Rs. 750-940 plus other admissible allowances. The appointment and regularization of services of the workmen, quoted by the applicant, were done by some other Division of this organization i.e. Division-1, CCW, AIR, New Delhi on the basis of seniority list prepared for the period upto 1987 & 1988. As the applicant's case was in court proceedings and his name was not in the service roll, he was not considered for regularization Annexure B1 to B(20).

The workman was placed in the scale of Rs. 750-940/- and subsequently in the revised scale of Rs. 2500-3050 with admissible allowance. Further, the workman has also been conferred with Temporary Status w.e.f. 10-9-93 with other admissible benefits. (Annexure C1 to C3).

The annexure C & D enclosed by the representative of the workman is neither an appointment letter nor there is any order dated July, 1998. The annexure C & D received by this officer is regarding confirmation of Work Charged Staff (i.e. letter dated 2-12-92 & 25-8-93).

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted that he was initially employed with the management w.e.f. 12-01-1983 and his service were terminated w.e.f. 30-03-1985. He raised dispute and the same was decided by the Central Government Industrial Tribunal-cum-Labour Court, New Delhi in ID No. 31/97. The workman was awarded reinstatement with full back wages and continuity of service.

It was further submitted that the management has admitted all these facts subsequently. In compliance of

the same award the workman was reinstated on job on 9-04-1996 and full back wages was disbursed to him from the date of his termination i.e. w.e.f. 30-03-1985. These facts have also been admitted by the management but as has been stated by the management the service of Shri Radhey Shyam was of temporary status, Muster Roll Beldars have been regularized vide CAT order dated 27-10-2004 as per departmental procedure. I have perused the award of the Hon'ble CAT, New Delhi. It has been specifically mentioned that the workman is reinstated with continuity of service and with full back wages. As such the workman should be deemed to be serving the management continuously w.e.f. 12-01-1993 the day of his appointment. It has also been admitted that juniors to the workman applicant have been given higher pay scale than the workman. The management has not treated his service regular despite the award of the Tribunal. The management is expected to be fair and award should be implemented in toto. The workman should have been granted temporary status recognizing his service from 12-01-1983 but it has not been done so. Shri Dara Singh and Shri Uday Pal joined in 1984 and their services were regularized w.e.f. 1989. The workman is also entitled to get all the benefits at par with his juniors. He shall be deemed to be serving the management without any back from 12-10-1983 in view of the order of the Central Administrative Tribunal (CAT). The workman is entitled to be placed similarly in the matters of all the benefits which has been given to his juniors Shri Dara Singh and Shri Uday Pal.

The reference is replied thus :—

The action of the Executive Engineer, Civil Construction Wing, All India Radio, Division-3, New Delhi in not regularizing the services of Shri Radhey Shyam, Beldar w.e.f. 1-07-1989 and not paying him equal pay for equal work is neither fair nor legal nor justified. The workman applicant should be regularized w.e.f. 1-07-1989 and he is entitled to get all the benefits accruing as a result of his regularization. The management is directed to regularise the workman applicant from 1-07-1989 and pay him all the arrears within two months from publication of the award.

Award is given accordingly.

Dated 14-11-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 164.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बदरपुर थर्मल पावर स्टेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं० II, नई दिल्ली के पंचाट (संदर्भ संख्या Misc. Appln.

No. 2/97 connected with I.D. No. 54/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं० एल- 42011/13/1993-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th December 2005.

S.O. 164.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. Misc. Appln. No. 2/97 connected with I.D. No. 54/93) of the Central Government Industrial Tribunal/Labour Court, No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Badarpur Thermal Power Station and their workmen, received by the Central Government on 15-12-2005.

[No-L- 42011/13/1993-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer : R. N. RAI Mis. App. No. 2/1997
Connected with I. D. No. 54/1993.

IN THE MATTER OF :—

The General Secretary,
Badarpur Power Engineers & Workers Union,
S.O. 305—BIW Colony, BPTS, Badarpur,
New Delhi-110044

VERSUS

The General Manager,
Badarpur Thermal Power Station,
Badarpur, New Delhi-110044.

MISC. APPLICATION NO. 2/1997 CONNECTED WITH ID NO. 54 OF 1993

Application for permission under sub-section 3 of Section 33 of the ID Act, 1947 (14/1997)

The respondents have filed application for permission to take action against the applicant. ID. No. 54/93 has already been decided and the award was published in 2004. This application for permission has become infructuous. The application for permission or approval for awarding punishment is entertainable till the pendency of the reference. The reference has already been adjudicated upon in 2004 and the award has been accordingly sent and published by the Ministry of Labour, Government of India. This application deserves to be rejected being infructuous.

ORDER

The application is rejected.

Dated: 12-12-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 165.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बाल भवन सोसाइटी ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं० II, नई दिल्ली के पंचाट (संदर्भ संख्या 111/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं० एल-42012/171/2000-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 165.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 111/2000) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Bal Bhawan Society of India and their workman, which was received by the Central Government on 15-12-2005

[No. L-42012/171/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer, R. N. RAI I.D. No. 111/2000

IN THE MATTER OF:—

Shri Vipin Joshi,
S/o Shri Prem Pal Joshi,
191/A-4, Railway Colony,
Basant Lane, Pahar Ganj,
New Delhi-110 055.

Versus

The Management,
M/s. Bal Bhawan Society India,
Kotla Road,
New Delhi-110049.

AWARD

The Ministry of Labour by its letter No. L-42012/171/2000/IR (DU) Central Government Dt. 28-09-2000 has referred the following point for adjudication.

The point runs as under:—

“Whether the action of the management of Bal Bhawan Society of India in terminating the services of Shri Vipin Joshi S/o Sh. Prem Lal Joshi w.e.f 11-10-99 is just and legal? If not, to what relief the said workman is entitled and from which date?”

The workman has filed claim statement. The claim statement it has been stated that the workman was engaged/appointed by the Management as a clerk on 24-4-1998 on daily wages basis on payment of Rs. 134 per day.

That initially the applicant worked as a clerk with the management for 67 days from 24-4-1998 to 30-6-1998. Subsequently the applicant was again engaged/appointed by the management for 89 days from 7-7-1998 to 13-10-1998, thereafter the applicant was again engaged by the management for 85 days from 16-10-1998 to 9-1-1999.

It is submitted that after a gap of four days the management again re-engaged the applicant for 31 days from 14-1-1999 to 13-2-1999. Thereafter the management again re-engaged the applicant for 58 days from 14-2-1999. Thereafter the management re-engaged the applicant for 58 days from 14-2-1999 to 12-4-1999. After giving a one day gap break, the management further engaged the applicant from 14-4-1999 to 29-4-1999. Again after a break of one day, the management again re-engaged the applicant 1-5-1999 to 30-6-1999 for 61 days and finally the applicant was re-engaged from 14-7-1999 to 10-10-1999 for 89 days. As such the applicant has worked for 495 days with the management from 24-4-1999 till 10-10-1999.

That as such the applicant was engaged or given one day or two days break and then re-engaged by the management to the post of clerk as per its own convenience discretion and capriciousness.

That the applicant has performed the duties of a clerk with the management totalling to 495 days from 24-4-1998 to 10-10-1999 and has performed the duties of clerk during this period and as such the applicant is a workman within the meaning of Section 2(s) of Industrial Disputes Act.

That as held by the Hon'ble Supreme Court in Bangalore Water Supply and Sewage Board Versus A. Rajappa, 1978, LIC 467, 512(SC), the sovereign functions strictly understood qualify for exception from the definition of 'Industry' and not welfare activities or economic adventures undertaken by the Government or a statutory bodies and as such the management namely Bal Bhawan New Delhi is very much covered by the provisions of Industrial Disputes Act, 1947.

That the management in the most arbitrary and capricious manner gave one day or two days break to the continuous services of the applicant or two days break to the continuous services of the applicant and somoto re-engaged the applicant.

As such, the management acted in a most arbitrary and capricious manner flouting all rules and regulations, direction of the Hon'ble High Court, Hon'ble Supreme Court.

The lastly the applicant was re-engaged by the management from 14-7-1999 to 10-10-1999 and after 10-10-1999 the management arbitrarily, capriciously and

without any reasons, whatsoever has refused to abstain the employment and re-engagement has refused to abstain the employment and re-engagement of the applicant.

That it is pertinent to submit that from 24-4-1998 to 10-10-1999 when the applicant was engaged by the management, the applicant has discharged the services to the entire satisfaction of the management and during this entire period not a single memo was issued to neither the applicant nor the performance of applicant was ever held to be unsatisfactorily.

That no notice has been served to the applicant nor any compensation as envisaged under the Industrial Disputes Act has been paid to the applicant dispute Act has been paid to the applicant before removing the applicant from his services nor any enquiry has been conducted or the applicant has been afforded any opportunity of being heard and as such there have been a gross violation the principle of natural justice nor there is any legal reason or justification as to why the applicant has been deprived of his services.

That it is pertinent to submit that there are a number of other persons who are similarly circumstance who are similarly circumstances who have also worked along with the applicant and who are also given arbitrary break and subsequently they have been re-engaged but in the case of the applicant the management has acted in a most arbitrary manner flouting all rules and regulations, directions/orders of the High Court and Supreme Court and refused to re-engage the applicant to the said post.

That despite to the fact that there are vaoca existing and a number of similarly circumstance workman has been in a most taken by the management, the management is acting in a most arbitrary manner and has refused to re-engage the applicant to the said post.

That the applicant/workman has made several written representations to the management requesting to take the applicant on duty and reinstatement the applicant but the management acting arbitrarily has refused to do so.

That as per various Judgement of the Hon'ble Supreme Court, since the applicant has performed the duties for more than 240 days, from 1998 till October, 1999 the applicant is entitled to absorption regularization by the management but the management is refusing to reinstate the applicant to the said post.

That as such the removal of the applicant from the services since 11-10-1999 is absolutely illegal, unauthorized uncalled for, justified and unwarranted.

National Bal Bhawan erstwhile known as Bal Bhawan Society India, located at Kolkata Road, a Creative Resource Centre for Children between the age group of 5 to 16 years. It was founded by Late Pt. Jawahar Lal Nehru in 1956. In addition to main Bal Bhawan at Kotla Road, 52 Bal Kendras are there in Delhi also 70 State Bal Bhawans in various

States are affiliated to National Bal Bhawan. The objectives of National Bal Bhawan are:—

- (a) To provide opportunities to children for Education and Creativity.
- (b) To Provide the Children with experiences and activities not otherwise available to them.
- (c) To offer certain educational services to the local schools in order to enrich their curricular and extra curricular activities.
- (d) To provide leadership and guidance to teaching towards fostering a creative approach in teaching of art and science.
- (e) To provide training facilities for recreational workers, and Children's Museum personnel.
- (f) To offer the Nation a prototype comprehensive Children's Institution, i.e. to establish an ideal Bal Bhawan.
- (g) To develop the personality and talents of children through recreations and Physical activities.
- (h) To promote social and cultural contracts amongst the children of all classes and communities.
- (i) To inculcate such values as would help them to develop modern India personality with a scientific temper.
- (j) To promote the above-mentioned activities as a movement.

To fulfil above objectives, the National Bal Bhawan provides lots of innovative and creative activities to children and institution working for children. throughout the year, children enroll themselves and take part in a number of creative activities like Drama and Music. Art and Craft, Science and Environmental Activities, home Management Activities, Physical Education and Museum Activities. Thousands of children are enrolled in National Bal Bhawan Kendras to take part in these activities. Apart from these a number of camps, treks workshops, seminars etc. are arranged for children throughout the year.

To manage the affairs of National Bal Bhawan, during the summer session approx. 250 Adhoc Instructors, Adhoc Clerks, Part Time Instructors, Boy Leaders/Girl Leaders and Volunteers are engaged from April to July, every year. In addition to the summer activities, to cope up with in created work load of specific nature and to help in conducting special workshops, National/International Campus and Conferences, some Adhoc Instructors and Clerks are also engaged for specific jobs for a limited period.

On Merits

- (1) Para one needs no reply.
- (2) Sh. Vipin Joshi was initially engaged an Ad hoc Summer Clerk w.e.f. 24-4-98 up to 30-6-98 on daily wage basis @ Rs. 118/- per day and was paid 51 days daily wages for this period @ Rs. 118/- per day.

- (3) In National Bal Bhawans's New Museum Building, various exhibitions were being installed as Sh. Vipin Joshi was again engaged on daily wages @ Rs. 118 per day for 89 days w.e.f. 7-7-98 to 03-10-98 for specific purpose. Office Order No. 215 dated 14-15-7-98 enclosed.

As a number of galleries/exhibitions were being fabricated/installed in the Museum, Sh. Vipin Joshi was again engaged for 89 days w.e.f. 13-10-98 to 6-1-99 @ Rs. 118 for 89 days after the break of 10 days from the earlier engagement. In pursuance of an audit objection assets register was to be reconciled with stock in hand and Sh. Vipin Joshi was engaged after giving 8 days break w.e.f. 14-1-99 to 13-2-99 for one month on daily wages @ Rs. 118 per day vide O. O. No. 24 dated 14-1-99 and the period was extended on the same job from 15-4-99 to 29-4-99 on daily wages @ Rs. 118 per day Officer Order No. 119 dated 13-15-4-99 is enclosed. During the summer session, for engaging Summer Instructors and Summer Clerks an advertisement is issued in the News paper and selection is made through a Committee Sh. Vipin Joshi had given a fresh application for the job of Summer clerk and was engaged on daily wages @ Rs. 134 per day in Accounts Branch w.e.f. 1-5-99 to 30-6-99 along with other Summer Staff vide Officer Order No. 171 dated 7/13-5-99.

As the work in connection with the stock verification could not be completed due to start of Summer Session, Sh. Vipin Joshi after giving 15 days for the period of 14-7-99 to 10-10-99 vide Officer Order No. 256 dated 17-7-99. On completion of the specific jobs on 10-10-99 the services of Sh. Vipin Joshi stood expired as mentioned in Office Order No. 256 dated 17-7-99.

It is submitted that no legal claim is made out by Sh. Vipin Joshi as his services were hired on daily wages basis for specific different jobs. Further No Claim for extension/regularization thus arises since Sh. Vipin Joshi was engaged on different specific jobs for specific period on daily wages basis. Sh. Vipin Joshi has worked for 177 days in 1998 in different assignments and 183 days during 1999 and his claim that he was worked for 240 days in year is not tenable. A chart for the year 1998 and 1999 showing his period of engagement days of attendance and the job he has worked expired reveal the facts as stated above.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument.

The workman applicant has not been turning up from 17th August, 2005. The management witness was present all along but he was not cross examined by the workman

applicant on 27-09-2005. The cross of the management witness was closed as none was present from the side of the workman to cross examine the management witness. On 17-11-2005 the workman was not present. Argument was heard from the side of the management/respondent. The case is being decided on the basis of entire merits and documents filed on the record. The case of the workman applicant is that he was engaged by the respondents from time to time and he worked during the whole year. The respondents are Industry as has been held in 1978 LIC 467. He has completed 240 days work even then he was not regularized. He discharged his services to the entire satisfaction of the management. The applicant was not paid any compensation as envisaged under the ID Act before his removal. The number of other employees similarly circumstanced have been re-engaged but the services of the workman was terminated arbitrarily and illegally.

It was submitted from the side of the management that National Bal Bhawan is not an Industry. It is a project work and the workman applicant has not performed 240 days work either in 1998 or in 1999. The National Bal Bhawan provides lost of innovative and creative activity of children and institutions to manage affairs during summer season. Adhoc Instructors, adhoc clerks, part time instructor are engaged to cope with the specific load of work so the appointment is on adhoc basis and the workman was appointed for a temporary period. He has worked for 177 days in 1998 in different assignments and 183 days in 1999. He has never worked for 240 days in any of the years either in 1998 or in 1999. Since he has not completed 240 days work, he is not entitled for regularization. The workman applicant has not completed 240 days work in any of the years and he has been appointed on the basis of need. National Bal Bhawan is a project. It is not an Industry. During the summer season innovative and creative work for the childrens are organized and adhoc appointments are made to meet the exigencies of the work. The workman applicant has himself admitted that he was appointed as summer clerk in the Bal Bhawan. The workman applicant has not been able to establish his case; therefore, he is not entitled to get any relief as prayed for.

The reference is replied thus :—

The action of the management of Bal Bhawan Society of India in terminating the services of Shri Vipin Joshi S/o. Shri Premal Joshi w.e.f. 11-10-1999 is just and legal. The workman applicant is not entitled to get any relief as prayed for. Award is given accordingly.

Date: 07-12-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 166.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध

में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 72/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं एल-40012/56/2002-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 166.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 72/2002) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 15-12-2005.

[No. L-40012/56/2002-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM
LABOUR COURT-II, NEW DELHI
PRESIDING OFFICER, R. N. RAI**

I.D. No. 72/2002

IN THE MATTER OF:—

Smt. Maya Devi,
S-372/ School Block, Shakarpur,
New Delhi-110 092.

Versus

The Divisional Engineer,
MW-1, O/o the Dy. General Manager (NTR)
Kidwai Bhawan,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-40012/56/2002-IR (DU) Central Government Dt. 19-09-2002 has referred the following point for adjudication.

The point runs as under:—

“Whether the action of the Management of DOT in terminating the services of Smt. Maya Devi, Sweeper w.e.f. 31-01-2000 is just, fair and legal? If not, to what relief the concerned workman is entitled to?”

The workman applicant has filed claim statement. In the claim statement it has been stated that the claimant had joined the services of the Management, Northern i.e. Department Telecom Operation, Northern Telecom Region, Kidwai Bhawan, New Delhi on 1st March, 1987 as casual/temporary sweeper, for which purposes, gate passes were issued to her by Management/Department from time to time. (Photocopies of the gate passes are attached herewith).

That the claimant was posted at N.T.R. Old Coaxial Official, Regional Manager, Kidwai Bhawan, New Delhi.

The Claimant was doing her duties honestly, sincerely and to the utmost satisfaction of her superior officer/officers.

That till October 1996, the claimant was issued the gate passes in her own name but thereafter to the utter surprise of the claimant the department started issuing the gate passes with the different names i.e. gate passes were issued in the name of Pushpa Devi and Chandra Devi. The claimant took objection to the same but the official of the department of Telecom Operation assured her that next time the gate passes shall be issued in her name and there is nothing to be worried about. But, again the passes were issued in different name.

That till September, 1996 whenever the claimant was paid the salary her signature was taken on the register maintained by the department but thereafter till the date of her illegal termination from the services no signature were taken on the register though she was being paid the salary.

That it is also important to mention that when the salary of officials of old Coaxial who were on casual/temporary basis was, increased all of them were paid the arrears of increased salary but the claimant was not paid the increased amount though she was on the same footing.

That the claimant approached the higher officials of the department and told them the injustice meted out to her but they all showed their inability to help her in any ways.

That to the utter surprise and shock of the claimant she was illegally terminated from the services of the department w.e.f. 15-07-2000 without any notice or communication which is illegal, bad in law and against the norms of policies formulated by the Government from time to time for the welfare of the labour class.

That the claimant approached the concerned higher officials of the department and also apprised them the department and also apprised them the fact that the Junior casual/temporary sweeper who were taken on the services of the department are still working and they have not been terminated. But, they refused to help me and taken me back on the services of the department.

That no show Cause Notice or termination letter as such was given to the claimant. She was not allowed to enter the office premises without there being any reason whatsoever.

That the issue of the illegal termination of the claimant from the service of the department was raised by some of the colleagues of the claimant in a meeting of Bahujan Employees Telecom Association which was held on 02-08-2000, wherein all the members had raised the issue and supported the case of the claimant. A copy of Minutes of Meeting is attached herewith. It was also agreed to get verified from records whether she was being paid the salary and to the utter surprise and shock of the claimant Mr. A.K. Kalia, Deputy General Manager, Administration vide letter dated 24-10-2000 written to Shri Ram Parkash

Saroj stated that there is no evidence to establish that the claimant was engaged in casual/part time labour/sweeper in NTR at any point of time.

That the claimant at last approached the Regional Labour Commissioner, Central Government, for reconciliation but due to adamant and callous attitude and approach on the part of the officials of the department reconciliation talks/proceedings ended in failures and therefore the matter has been referred to this Hon'ble Court for adjudication.

That from the date of illegal termination of the claimant she has not been doing any job anywhere and sitting at home unemployed.

That to the knowledge of claimant the casual/temporary sweepers who were taken in the services along with her and after her have been regularized and they have been given all the benefits.

That from the above it is apparent that the services of the claimant was terminated illegally and without even issuing any show cause notice or chargesheet.

The management has filed written statement it has been stated that the present dispute is not an Industrial Dispute on the ground that the applicant was never a workman with the respondent.

That the present statement of claim is neither maintainable in law as well as on facts on the ground that the same is not supported by any documentary evidence.

That claimant has never joined the services of the respondent as casual/temporary sweeper. Gate passes were issued by different officers just for entrance. Moreover gate passes does not show that she was engaged casually.

The claimant was never posted at NTR old coaxial official Regional Manager, Kidwai Bhawan, New Delhi. The question of doing her duties honestly, sincerely does not arise.

As per the office record Smt. Maya Devi was never engaged in Northern Telecom Region, Kidwai Bhawan, New Delhi as a temporary casual sweepers so the question of giving her salary and maintaining the register does not arise.

The claimant has never worked with the respondent. There was no occasion to approach the higher officials of the department.

Since the claimant has never worked with respondent as a casual/temporary sweeper the question of illegal termination, not paying her salary or increased arrears as a casual/temporary sweeper the question of illegal termination, not paying her salary or increased arrears not issuing show-cause notice before termination does not arise.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman applicant that the workman made complaints several times for regularization and the management conducted an inquiry and the Inquiry Officer reported that the workman has not worked for any day under the respondents. The respondents have issued gate passes to the workman applicant. The officials records are with the management and the report that the workman has not worked for any day is of no substance as the workman was not contacted and an inquiry was held regarding the position of employment of the workman applicant exparte.

It was further submitted that the respondents/management have issued gate passes. These passes prove the fact that the workman has worked right from 1993 up to 1997. So on the basis of Gate Passes an inevitable inference can be drawn that she was engaged with the management.

It was submitted from the side of the management that exhibit CW-1/A is a gate pass dated 17-03-1993. It has been issued by the Divisional Engineer (Tele). It has not been issued by the respondents so on the basis of this gate pass the workman cannot be treated as an employee of the management. Gate pass dated 31-01-1994 has been issued by Asstt. Engineer Coaxial 2003, Kidwai Bhawan, New Delhi. This pass has also not been issued by the Dy. GM, NTR, Kidwai Bhawan. It has been issued by Asstt. Engineer, Coaxial so this gate pass is not related with the respondents. Gate pass dated 05-11-1997 to 29-11-1997 has been issued in the name of Puspa Devi and Pushpa has put her signature. Smt. Maya Devi has not put her signature so this pass is not related to the workman applicant. My attention was drawn to the other passes but they have been issued by Asstt. Engineer Coaxial Asstt. Engineer, Coaxial is not the department of the respondent. The other passes have also been issued by the Asstt. Engineer, Coaxial in the name of Chandra so the case of the applicant is that she was engaged by the management is not proved. She has not filed the gate passes of the respondents.

It was further submitted that OM was issued on 07-11-1989 for regularization of the temporary employees and another OM dated 25-08-2000 was also issued for regularization. OM dated 29-09-2000 is also for regularization of the workmen. The list has been prepared of the workman engaged from 1987 to 1995 and they have been given regular status. If the workman was engaged from 1993 her name would automatically have come under the list of the temporary employees but her name does not figure anywhere. It proves abundantly that the workman applicant was not employed at any point of time from 1991 to 1995.

It was further submitted that she has procured some gate passes from Asstt. Engineer, Coaxial but no pass has been issued to the workman applicant by the NTR or DOT.

Gate passes annexed with the record have not been issued by the respondents. The workman has not filed any other proof of her service except gate passes and the gate passes do not relate to the department of the respondents. The workman has not proved that she has worked continuously for 240 days in any of the years 1993 to 1997. Not even a scrap of paper has been filed as the record except the gate passes. Gate passes can be issued for any purpose. Employment cannot be inferred from the gate passes. The applicant is not entitled to get any relief as prayed for.

The reference is replied thus :—

The action of the management of DOT in terminating the services of Smt. Maya Devi, Sweeper w.e.f. 31-01-2000 is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Date: 08-12-2005.

R.N. RAI, Presiding Officer.

नई दिल्ली, 15 दिसम्बर, 2005

का.आ. 167.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब डिवीजनल ऑफिसर (फोन्स) के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या सीजीआईटी-80/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं एल-40012/8/2005-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 167.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-80/2005) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sub-Divisional Officer (Phones) and their workman, which was received by the Central Government on 15-12-2005

[No. L-40012/8/2005-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-80/2005

Reference No. L-40012/8/2005 IR (DU)

Sh. Ramlaxman,

S/o Sh. Kanwar Lal,

General Secretary,

Hind Mazdoor Sabha,

Bengali Colony, Chawani,

Kota (Rajasthan)

.....Applicant

Versus

The Sub-Divisional Officer,

Phones,

Office of the General Manager Doorsanchar,

Industrial Area, Jhalawar Road,

Kota (Rajasthan)

..... Non-applicant

PRESENT:

Presiding Officer : Sh. R.C. Sharma.

For the applicant : Sh. Arun Sharma.

For the non-applicant : None

Date of Award : 11-11-2005.

AWARD

1. The Central Government in exercise of the powers conferred under Clause D of sub-sections I and 2(A) to Section 10 of the Industrial Disputes Act, 1947 (for short, 'the Act') has referred the following industrial dispute to this Tribunal for adjudication which runs as under :—

"Whether the action of the Management of SDO, Phones-II, Kota in not reinstating Shri Ramlaxman S/o Shri Kanwar Lal w.e.f. January, 1999 is legal and justified? If not, to what relief the workman is entitled?"

2. On 14-10-2005, none appeared on behalf of the non-applicant and the last opportunity for filing the statement of claim was awarded to the workman. The case was then posted on 9-11-2005. On this date the workman could not be able to submit his claim statement. Therefore, the opportunity to file the claim was closed. On this date, too, none appeared on behalf of the non-applicant.

3. I have heard the Id. representative for the workman and perused the record.

4. To substantiate his claim, the workman has not even filed his claim statement and it was the bounden duty of the workman to submit his claim statement and to establish his claim by producing the evidence, which he has failed to discharge. There is no material on the record to adjudicate on the reference. The claim, therefore, is liable to be rejected.

5. In the result, the reference is answered in the negative against the workman and it is held that the action of the SDO, Phones in not reinstating the workman w.e.f. January, 1999 is legal and justified. The claim of the workman is dismissed. An award is passed in these terms accordingly.

6. Let a copy of the award may be sent to the Central Government for publication under Section 17(1) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का.आ. 168.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अश्व प्रजनन केन्द्र के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण सं. I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 49/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-42012/232/90-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 168.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 49/97) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Equine Breeding Stud and their workman, which was received by the Central Government on 15-12-2005.

[No. L-42012/232/90-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Case No. I.D. 49/97

Smt. Krishna
W/o Sh. Harnam Singh
R/o Vill. Piran Wali,
P. O. Nyoli Kalan,
Distt. Hissar (Haryana)-125001.

.....Applicant

Versus

The Commandant,
Equine Breeding Stud,
Hissar- 125001.

..... Respondent

APPEARANCES:

For the workman : Shri Darshan Singh.
For the management : Ms. Deepali Puri.

AWARD

Passed on 11-11-2005

Central Government vide notification No. L-42012/232/90-IR (D.U.) dated 30-12-1996 has referred the following dispute to this Tribunal for adjudication :

“Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an industry under the I.D. Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Smt. Krishna w/o Sh. Harna Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?”

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri Darshan Singh withdraw the present reference in Lok Adalat vide his statement

recorded on 25-10-05 to this effect. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed.

Chandigarh

11-11-2005.

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 169.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 139/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-40012/582/2000-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 169.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 139/2001) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 15-12-2005.

[No. L-40012/582/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Case No. I.D. 139/2001

Shri Ram Chander,
C/o Shri R. K. Sharma,
H. N. 372, Sector-20A,
Chandigarh.

.....Applicant

Versus

- (1) The Chief General Manager,
Telecom, Punjab Circle,
Sector 34, Chandigarh-160001
- (2) The Principal General Manager,
Telecom, Sector-18,
Chandigarh.

..... Respondent

APPEARANCES:

For the workman : Shri O. P. Singh.
For the management : Shri G. C. Babbar.

AWARD

Passed on 11-11-2005

Central Government vide notification No. L-40012/582/2000-IR (D.U.) dated 26-3-2001 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Chief General Manager, Telecom, Punjab Circle, Chandigarh and the Principal

General Manager, Telecom, Chandigarh district in ordering disengagement/termination of services of Shri Sukhbir Singh, a workman engaged through contractor M/s. R. K. Mittal w.e.f. 27-2-1999 is just and legal ? If not, to what relief the workman is entitled and from which date ?”

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri O. P. Singh withdraw the present reference in Lok Adalat vide his statement recorded on 11-11-05 to this effect. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed.

Chandigarh
11-11-2005.

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 170.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अश्व प्रजनन केन्द्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 17/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-42012/224/90-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 170.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/97) of the Central Government Industrial Tribunal/Labour Court No.1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Equine Breeding Stud and their workman, which was received by the Central Government on 15-12-2005

[No. L-42012/224/90-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 17/97

Shri Karnail Singh
S/o Sh. Tara Singh,
C/o The President,
Distt. Agriculture Workers Union,
Gali No. 5, H. No. 123,
Jawahar Nagar, Hissar
(Haryana)-125 001

.....Applicant

Versus

The Commandant,
Equine Breeding Stud,
Hissar-125 001

..... Respondent

APPEARANCES

For the workman :

Shri Darshan Singh.

For the management :

Ms. Deepali Puri.

AWARD

Passed on 11-11-2005

Central Government vide notification No. L-42012/224/90-IR (D.U.) dated 30-12-1996 has referred the following dispute to this Tribunal for adjudication :

“Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an industry under the I.D. Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Sh. Karnail Singh S/o Sh. Zora Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair ? If not, to what relief the workman concerned is entitled to ?”

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri Darshan Singh withdraw the present reference in Lok Adalat vide his statement recorded on 25-10-05 to this effect. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed.

Chandigarh

11-11-2005.

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 171.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अश्व प्रजनन केन्द्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 23/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-42012/249/90-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 171.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 23/97) of the Central Government Industrial Tribunal/Labour Court No.1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Equine Breeding Stud and their workman, which was received by the Central Government on 15-12-2005.

[No. L-42012/249/90-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 23/97

Shri Bachan Singh
S/o Sh. Kartar Singh,
C/o The President,
Distt. Agriculture Workers Union,
Gali No. 5, H. No. 123,
Jawahar Nagar, Hissar
(Haryana)-125 001

.....Applicant

Versus

The Commandant,
Equine Breeding Stud,
Hissar-125 001

..... Respondent

APPEARANCES

For the workman : Shri Darshan Singh
For the management : Ms. Deepali Puri.

AWARD

Passed on 11-11-2005

Central Government vide notification No. L-42012/249/90-IR (DU) dated 30-12-1996 has referred the following dispute to this Tribunal for adjudication :

"Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an industry under the ID Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Sh. Bachan Singh S/o Sh. Kartar Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair ? If not, to what relief the workman concerned is entitled to ?"

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri Darshan Singh withdraw the present reference in Lok Adalat vide his statement recorded on 25-10-05 to this effect. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed.

Chandigarh.

11-11-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 172.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अथवा प्रजनन केन्द्र के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 45/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-42012/221/90-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 172.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 45/97) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Equine Breeding Stud and their workman, which was received by the Central Government on 15-12-2005.

[No. L-42012/221/90-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.**

Case No. I.D. 45/97

Shri Gurdeep Singh
S/o Sh. Inder Singh,
C/o The President,
Distt. Agriculture Workers Union,
Gali No. 5, H. No. 123,
Jawahar Nagar, Hissar
(Haryana)-125 001.

.....Applicant

Versus

The Commandant,
Equine Breeding Stud,
Hissar-125 001

..... Respondent

APPEARANCES

For the workman : Shri Darshan Singh
For the management : Ms. Deepali Puri.

AWARD

Passed on 11-11-2005

Central Government vide notification No. L-42012/221/90-IR (DU) dated 30-12-1996 has referred the following dispute to this Tribunal for adjudication :

"Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an industry under the ID Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Sh. Gurdeep Singh S/o Sh. Inder Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair ? If not, to what relief the workman concerned is entitled to ?"

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri Darshan Singh withdraw the present reference in Lok Adalat vide his statement recorded on 25-10-05 to this effect. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed.

Chandigarh.

11-11-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 173.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 51/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-14012/66/2000-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 51/2001) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 15-12-2005.

[No. L-14012/66/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.**

Case No. I. D. 51/2001

Shri Jagga Singh S/o Sh. Sahib Singh, C/o Sh. B.R. Prabhakar, Chairman, WCMFW Union, 63-C, Kailash Nagar, Model Town, Ambala (Haryana)-133001.

..... Applicant

Versus

The Officer-in-Charge, Military Farm, Ambala Cantt. (Haryana) 133001.

..... Respondent

APPEARANCES :

For the Workman : None

For the Management : Sh. K.K. Thakur

AWARD

Passed on 25-11-2005

Central Govt. vide notification No. L-14012/66/2000/IR(DU) dated 17-11-2000 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Military Farm, Ambala Cantt in terminating the services of Sh. Jagga Singh s/o Sh. Sahib Singh w.e.f. May, 1998 is just and legal? If not, to what relief the workman is entitled?”

2. Case repeatedly called. None has put up appearance on behalf of the workman despite service through Regd. A.D. The counsel for the management submitted that the workman is not appearing in the court and it appears that he is not interested to pursue with the present reference and seems better employed somewhere. He submitted that no useful purpose would be served in keeping this case pending further as AR of the workman also expired. In view of the above, since the workman is not appearing despite several notices even through regd. post, it appears that workman is not interested to pursue with the present reference, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

25-11-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 174.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 161/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-14012/11/99-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 161/99) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 15-12-2005.

[No. L-14012/11/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

CASE NO. I. D. 161/99

Shri Ram Nath S/o Sh. Ram Lotawan C/o Sh. B.R. Prabhakar, 63-C, Kailash Nagar, Model Town, Ambala (Haryana)-133001.

..... Applicant

Versus

1. The Director, Military Farms, Western Command, Head Quarters (Farm Br.) Chandimandir-134107

2 The Officer-in-charge, Military Farm, Ambala Cantt. (Haryana) 133001.

Respondent

APPEARANCES :

For the Workman : None
For the Management : Sh. K.K. Thakur

AWARD

Passed on 25-11-2005

Central Govt. vide notification No. L-14012/11/1999/IR(D.U.) dated 21-7-1999 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Director Military Farm, Western Command, Head Quarters, Chandimandir and Officer-in-charge, Military Farm, Ambala Cantt, in terminating the services of Sh. Ram Nath S/o Sh. Ram Lotawan is legal and justified? If not, to what relief the workman is entitled?”

2. Case repeatedly called. None has put up appearance on behalf of the workman despite service through Regd. A.D. The counsel for the management, submitted that the workman is not appearing in the court and it appears that he is not interested to persue with the present reference and seems better employed some where. He submitted that no useful purpose would be served in keeping this case pending further as AR of the workman also expired. In view of the above, since the workman is not appearing despite several notices even through regd. post. it appears that workman is not interested to persue with the present reference, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

25-11-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 175.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/न्यायालय नं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 93/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-14012/76/2000-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 175.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 93/2001) of the Central Government Industrial Tribunal/

Labour Court No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 15-12-2005.

[No. L-14012/76/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH.

Case No. I.D. 93/2001

Shri Ramesh Kumar S/o Sh. Lalta Singh C/o Sh. B.R. Prabhakar, Chairman, WCMFW Union, 63-C, Kailash Nagar, Model Town, Ambala (Haryana)-133001.

Applicant

Versus

The Officer-in-charge, Military Farm, Bir Dhantauri Distt. Kurukshetra (Haryana)

Respondent

APPEARANCES :

For the Workman : None
For the Management : Sh. K.K. Thakur

AWARD

Passed on 25-11-2005

Central Govt. vide notification No. L-14012/76/2000/IR(D.U.) dated 26-3-2001 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Military Farm, Bir Dhantauri, Distt. Kurukshetra (Haryana) in terminating the services of Sh. Ramesh Kumar S/o Sh. Lalta Singh w.e.f. March, 1999 is just and legal? If not, to what relief the workman is entitled?”

2. Case repeatedly called. None has put up appearance on behalf of the workman despite service through Regd. A.D. The counsel for the management submitted that the workman is not appearing in the court and it appears that he is not interested to persue with the present reference and seems better employed some where. He submitted that no useful purpose would be served in keeping this case pending further as AR of the workman also expired. In view of the above, since the workman is not appearing despite several notices even through regd. post. it appears that workman is not interested to persue with the present reference, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

25-11-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 176.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 413/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-14012/56/2000-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 413/2000) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 15-12-2005.

[No. L-14012/56/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.**

Case No. I. D. 413/2000

Shri Raj Kumar S/o Sh. B.R. Prabhakar, Chairman,
WCMFW Union, 63-C, Kailash Nagar, Model Town,
Ambala (Haryana)-133001.

Applicant

Versus

The Office-in-charge, Military Farm, Ambala Cantt.
(Haryana) 133001.

Respondent

APPEARANCES :

For the Workman : None

For the Management : Sh. K.K. Thakur

AWARD

Passed on 25-11-2005

Central Govt. vide notification No. L-14012/56/99/IR/(DU) dated 30-10-2000 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Military Farm, Ambala Cantt in terminating the services of Sh. Raj Kumar s/o Sh. Ram Singh w.e.f 21-11-98 is just and legal ? If not, to what relief the workman is entitled?"

2. Case repeatedly called. None has put up appearance on behalf of the workman despite service through Regd. A.D. The counsel for the management submitted that the workman is not appearing in the court and it appears that he is not interested to pursue with the present reference and seems better employed some where. He submitted that no useful purpose would be served in keeping this case pending further as AR of the workman also expired. In view of the above. since the workman is not appearing despite several notice even through regd. post, it appears that workman is not interested to pursue with the present reference. the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

25-11-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 177.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/न्यायालय नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 239/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-14012/56/99-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 239/99) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman. which was received by the Central Government on 15-12-2005.

[No. L-14012/56/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.**

Case No. I. D. 239/99

Shri Lal Bhadur, C/o Sh. B.R. Prabhakar, Chairman,
WCMFW Union 63-C, Kailash Nagar, Model Town,
Ambala (Haryana)-133001.

..... Applicant

Versus

The Officer-in-Charge, Military Farm, Ambala Cantt (Haryana) 133001.

which was received by the Central Government on 15-12-2005.

... Respondent

APPEARANCES :

For the Workman : None
For the Management : Sh. K.K. Thakur

AWARD

Passed on 25-11-2005

Central Govt. vide notification No. L-14012/56/99/IR(D.U.) dated 29-10-1999 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of Officer-in-charge Military Farm, at Ambala Cantt. in terminating the services of Sh. Lal Bahadur s/o Sh. Sita Ram w.e.f. 15-9-98 is legal and justified? If not, to what relief the workman is entitled?"

2. Case repeatedly called. None has put up appearance on behalf of the workman despite service through Regd. A.D. The counsel for the management submitted that the workman is not appearing in the court and it appears that he is not interested to pursue with the present reference and seems better employed somewhere. He submitted that no useful purpose would be served in keeping this case pending further as AR of the workman also expired. In view of the above, since the workman is not appearing despite several notices even through regd. post, it appears that workman is not interested to pursue with the present reference, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

25-11-2005

RAJESH KUMAR, Presiding Officer.

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 178.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार मिलिट्री फार्म के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.1, चंडीगढ़ के पंचाट (संदर्भ संख्या 173/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-14012/22/99-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 178.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 173/99) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman,

[No. L-14012/22/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

Case No. I. D. 173/99

Sh. Gurcharan Singh C/o Sh. B.R. Prabhakar, Chairman, WCMF Union, 63-C, Kailash Nagar, Model Town, Ambala (Haryana)-133001.

... Applicant

versus

1. The Director, Military Farms, Western Command, Head Quarters (Farm Br.) Chandimandir-134010.

2. The Officer-in-Charge, Military Farm, Ferozepur.

Respondent

APPEARANCES :

For the Workman : None
For the Management : Sh. K.K. Thakur

AWARD

Passed on 25-11-2005

Central Govt. vide notification No. L-14012/22/99/IR(DU) dated 3-8-1999 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the The Officer-in-charge, Military Farm Ferozepur and Director Military Farms, Western Command, Head Quarters Officer-in-charge Chandimandir in terminating the services of Sh. Gurcharan Singh is legal and justified? If not, to what relief the workman is entitled?"

2. Case repeatedly called. None has put up appearance on behalf of the workman despite service through Regd. A.D. The counsel for the management submitted that the workman is not appearing in the court and it appears that he is not interested to pursue with the present reference and seems better employed somewhere. He submitted that no useful purpose would be served in keeping this case pending further as authorised representative of the workman also expired. In view of the above, since the workman is not appearing despite several notices even through Regd. post, it appears that workman is not interested to pursue with the present reference, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

25-11-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 179.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-I, चंडीगढ़ के पंचाट (संदर्भ संख्या 135/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-40012/32/2002-आई आर (डो.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 179.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 135/2002) of the Central Government Industrial Tribunal/Labour Court-I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom. and their workman, which was received by the Central Government on 15-12-2005.

[No. L-40012/32/2002-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.**

Case No. I. D. 135/2002

Shri Bharat Bhandari S/o Sh. Leeladhar Bhandari, C/o Sh. Tika Ram, H. No. 391, Industrial Area, Phase II, Ram darbar, Chandigarh.

Applicant

VERSUS

The Principal General Manager, Telecom Deptt., Sector-18, Chandigarh.

Respondent

APPEARANCES :

For the Workman : Shri O.P. Singh

For the Management : Shri G. C. Babbar

AWARD

Passed on 11-11-2005

Central Govt. vide notification No. L-40012/32/2002/IR(D.U.) dated 24-7-2002 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Department of Telecom, Chandigarh in terminating the services of Sh. Bharat Bhandari watchman w.e.f. 27-2-1999 is just and legal? If not, to what relief the workman is entitled?”

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri O.P. Singh

withdraw the present reference in Lok Adalat vide his statement record on 11-11-05 to this effect. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed.

Chandigarh.

11-11-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 180.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न.-I, चंडीगढ़ के पंचाट (संदर्भ संख्या 67/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-40012/220/2002-आई आर (डो.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 180.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 67/2003) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom. and their workman, which was received by the Central Government on 15-12-2005.

[No. L-40012/220/2002-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.**

Case No. I. D. 67/2003

Miss Nisha Ved, D/o Sh. Duli Chand Ved, H. No. 86, Village Kajheri (UT) Chandigarh.

..... Applicant

VERSUS

The Principal General Manager, Telecom, Telecom Deptt., Sector-18, Chandigarh-160001.

Respondent

APPEARANCES :

For the Workman : Shri O. P. Singh

For the Management : Sh. G. C. Babbar.

AWARD

Passed on 11-11-2005

Central Govt. vide Notification No. L-40012/220/2002/IR(D.U.) dated 21-3-2003 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of management of Department of Telecom., Chandigarh in terminating

the services of Miss Nisha Ved Ex-Clerk w.e.f. 27-2-1999 without complying with the provisions of Section 25 F of the ID^A Act, 1947 is just and legal? If not, so what relief the workman is entitled?"

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri O.P. Singh withdraw the present reference in Lok Adalat vide his statement recorded on 10-11-05 to this effect. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed.

Chandigarh.

11-11-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 181.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न.-I, चंडीगढ़ के पंचाट (संदर्भ संख्या 405/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-4012/347/2000-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 181.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 405/2000) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom. and their workman, which was received by the Central Government on 15-12-2005.

[No. L-40012/347/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH.

Case No. I. D. 405/2000

Shri Bhajan Singh C/o Sh. R. K. Sharma, H. No. 372, Sector 20-A, Chandigarh-160001.

Applicant

VERSUS

- (1) The Chief General Manager, Telecom., Punjab Circle, Sector 34, Chandigarh-160001.
- (2) The Principal General Manager, Telecom., Sector-18, Chandigarh-160001.

Respondent

APPEARANCES :

For the Workman : Shri O. P. Singh

For the Management : Sh. G. C. Babbar.

AWARD

Passed on 11-11-2005

Central Govt. vide Notification No. L-40012/347/2000/IR(D.U.) dated 28-9-2000 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of Chief General Manager, Telecom., Punjab Circle, Chandigarh and the Principal General Manager Telecom., Chandigarh district in ordering disengagement/termination of services of Shri Bhajan Singh a workman engaged through contractor Sh. R. K. Mittal w.e.f. 27-2-1999 is just and legal? If not, to what relief the workman is entitled and from which date?"

2. The case taken up in Lok Adalat. The authorised representative of the workman Shir O.P. Singh withdraw the present reference in Lok Adalat vide his statement recorded on 10-11-05 to this effect. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed.

Chandigarh.

11-11-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 182.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न.-I, चंडीगढ़ के पंचाट (संदर्भ संख्या 331/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-40012/262/2000-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 182.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 331/2000) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom. and their workman, which was received by the Central Government on 15-12-2005.

[No. L-40012/262/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH.

Case No. I. D. 331/2000

Shri Mahesh Ram S/o Sh. Ram Dev Ram, H. No. 879, Rajeev Colony, Sector 17, Panchkula.

..... Applicant

VERSUS

The Principal General Manager, Telecom., Sector-18,
Chandigarh-160001.

..... Respondent

APPEARANCES :

For the Workman : Shri O. P. Singh
For the Management : Sh. G. C. Babbar.

AWARD

Passed on 11-11-2005

Central Govt. vide Notification No. L-40012/262/2000/IR(D.U.) dated 29-8-2000 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of Management of General Manager, Telecom., Chandigarh in termination of services of Shri Mahesh Ram S/o Sh. Ram Dev Ram is just and legal? If not, to what relief the workman is entitled and from which date ?”

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri O.P. Singh withdraw the present reference in Lok Adalat vide his statement recorded on 10-11-05 to this effect. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed.

Chandigarh.

11-11-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 183.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न.-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 307/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-40012/195/2000-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 183.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 307/2000) of the Central Government Industrial Tribunal/Labour Court No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom. and their workman, which was received by the Central Government on 15-12-2005.

[No. L-40012/195/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.**

Case No. I. D. 307/2000

Shri Surjeet Singh S/o Sh. Mohinder Singh, H. No. 280,
Lahora, Chandigarh.

Applicant

VERSUS

The Principal General Manager, Telecom., Sector-18,
Chandigarh.

.....Respondent

APPEARANCES :

For the Workman : Shri O. P. Singh
For the Management : Sh. G. C. Babbar.

AWARD

Passed on 11-11-2005

Central Govt. vide Notification No. L-40012/195/2000/IR(D.U.) dated 31-7-2000 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of Management of General Manager, Telecom., Chandigarh in termination of services of Shri Surjeet Singh S/o Sh. Mohinder Singh is just and legal? If not, to what relief the workman is entitled and from which date ?”

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri O.P. Singh withdraw the present reference in Lok Adalat vide his statement recorded on 10-11-05 to this effect. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed.

Chandigarh.

11-11-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 184.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न.-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 425/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-40012/373/2000-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005.

S.O. 184.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 425/2000) of the Central Government Industrial Tribunal/Labour Court No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom. and their workman, which was received by the Central Government on 15-12-2005.

[No. L-40012/373/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 425/2000

Shri Jasmer Singh C/o Sh. R. K. Sharma, H. No. 372,
Sector 20-A, Chandigarh-160001...

.... Applicant

VERSUS

- (1) The Chief General Manager, Telecom., Punjab Circle,
Sector 34, Chandigarh-160001.
- (2) The Principal General Manager, Telecom., Sector-18,
Chandigarh

.... Respondent

APPEARANCES :

For the Workman : Shri O. P. Singh
For the Management : Sh. G. C. Babbar.

AWARD

Passed on 11-11-2005

Central Govt. vide Notification No. L-40012/373/
2000/IR(D.U.) dated 31-10-2000 has referred the following
dispute to this Tribunal for adjudication :

"Whether the action of Chief General Manager, Telecom, Punjab Circle, Chandigarh and the Principal General Manager, Telecom, Chandigarh district in ordering disengagement/termination of services of Shri Jasmer Singh a workman engaged through contractor Sh. Nag Pal w.e.f. 27-2-1999 is just and legal? If not, to what relief the workman is entitled and from which date?"

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri O.P. Singh withdraw the present reference in Lok Adalat vide his statement recorded on 11-11-05 to this effect. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed.
Chandigarh.

11-11-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ. 185.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 165/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-40012/4/2001-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th December, 2005

S.O. 185.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 165/2001) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom. and their workman, which was received by the Central Government on 15-12-2005.

[No. L-40012/4/2001-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I. D. 165/2001

Shri Amarjit C/o Sh. R. K. Sharma, H. No. 372, Sector 20-A,
Chandigarh

.... Applicant

VERSUS

- (1) The Chief General Manager, Telecom. Punjab Circle,
Sector 34, Chandigarh-160001.
- (2) The Principal General Manager, Telecom., Deptt.,
Sector-18, Chandigarh-160001.

.... Respondent

APPEARANCES :

For the Workman : Shri O. P. Singh
For the Management : Sh. G. C. Babbar.

AWARD

Passed on 11-11-2005

Central Govt. vide Notification No. L-40012/4/
2001/IR(D.U.) dated 12-4-2001 has referred the following
dispute to this Tribunal for adjudication :

"Whether the action of Chief General Manager, Telecom, Punjab Circle, Chandigarh and the Principal General Manager Telecom, Chandigarh Distt. in ordering disengagement/termination of services of Shri Amarjit a workman engaged through contractor Sh. R. K. Mittal w.e.f. 27-2-1999 is just and legal? If not, to what relief the workman is entitled and from which date?"

2. The case taken up in Lok Adalat. The authorised representative of the workman Shri O.P. Singh withdraw the present reference, in Lok Adalat vide his statement recorded on 11-11-05 to this effect. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed.

Chandigarh.

11-11-2005

RAJESH KUMAR, Presiding Officer.

नई दिल्ली, 16 दिसम्बर, 2005

का.आ. 186.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार एअर इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई-1 के पंचाट (संदर्भ संख्या 54/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-05 को प्राप्त हुआ था।

[सं. एल-11012/9/98-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 16th December, 2005

S.O.186.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 54/98) of the Central Govt. Indus. Tribunal/Labour Court, Mumbai-I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Air India, and their workman, which was received by the Central Government on 16-12-2005.

[No. L-11012/9/98-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT

Shri Justice S.C. Pandey, Presiding Officer

REFERENCE No. CGIT-54/1998

PARTIES : Employers in relation to the management of
Air India

AND

Their Workmen

APPEARANCES:

For the Management : Mr. Benny Francis,
Adv.

For the Workman : Mrs. P.S. Shetty,
Adv.

State : Maharashtra

Mumbai, dated the 26th day of May' 2004

AWARD PART-I

1. This is a reference made by Central Govt. under clause (d) of Sub-section 1 and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) for adjudicating upon the industrial dispute between P.N. Wadker (the workman for short) and the Air India Ltd. (the company for short) of dispute are as follows:

“क्या एअर इंडिया के प्रबंधन द्वारा दिनांक 13-10-96 से श्री प्रकाश एन. वाडेकर, क्लीनर को सेवा से डिसमिस करना

विधिवत् एवं न्यायपूर्ण है। यदि नहीं तो वे किस राहत के पात्र हैं”?

2. The admitted facts of this case are as follows: The workman was a Cleaner with the company. The workman was given charge sheet dated 5-5-1995 for remaining absent for 243 days without leave or information between 1st January, 1994 to December 11, 1994. The charge was a clause 14(3)(e) to the effect that the workman remained habitually absent without leave. The workman did not reply to the charge-sheet and consequently by order dated 14-7-1995 an enquiry Committee was constituted by the company. The Enquiry committee conducted the enquiry on 22-2-1996. The workman was present during the course of enquiry proceedings. The enquiry report was made against the workman. Thereafter, the workman received the letter dated 5-8-96 proposing punishment of dismissal. Thereafter, the workman received order of dismissal dated 14-10-96 which became effective from 20-12-1996. The company filed approval application dated NTB No. 95/96. This tribunal approved the order of dismissal vide judgement dated 29-4-1997. Thereafter, the workman raised an industrial dispute on 5-5-1997. Then on 16-10-97 conciliation proceedings were started. Thereafter, failure of Conciliation was reported by Asstt. Labour Commissioner (Central). The dispute thereafter was referred to this tribunal.

3. In his Statement of claim, the workman has stated that the enquiry held against him was vitiated for the following reasons. It was alleged that workman was not given proper opportunity of hearing in as much as the charge-sheet was given to him in English. He did not understand English properly. It was alleged by the workman that the proceedings on 22-2-96 were conducted in English hastily contrary to the principles of natural justice. The workman stated that he was asked to sign pre-recorded proceedings. The workman was not given copies of the documents. The Enquiry Officer took advantage of the illiteracy of the workman to obtain confession Statement. The principles of natural justice were violated.

4. The company denied the claim of the workman stating in the written statement that the principles of natural justice were not violated by the company. The workman made voluntary admission before the enquiry committee. It was therefore, not necessary to hold an enquiry. The enquiry committee however, examined the representative of the office with punching cards. The attendance record was also called. The workman was found to be absent for 214 days. He did not regularize the leave. The workman did not cross examine the witness. Thus, the workman was accorded full opportunity of hearing. The principles of natural justice were not violated. The workman did not examine any witness. Nor did he submit his final statement despite the fact he was given an

opportunity to do so. The workman was given an opportunity to comment against the report of the enquiry committee. He was given an opportunity to show cause against the proposed punishment. His record was bad. Therefore, the order of dismissal was passed. The workman filed rejoinder. It is not necessary to repeat the pleadings. They are mere repetition of the previous pleadings.

5. This tribunal framed the following two issues at the preliminary stage:

- (1) Whether the Departmental Enquiry held against Shri. P. N. Wadekar is in violation of principles of natural justice or not?
- (2) Whether the Report and Findings of the Enquiry Committee is against the material on record and hence perverse or not?

6. The workman examined himself by filing his affidavit. He was cross examined on behalf of the workman. The parties also filed their documents.

7. The question is if the workman was given a reasonable opportunity of hearing. The workman stated in his cross-examination that he studied upto IXth class but he did not know enough English to understand the nature of proceeding. The enquiry officer has also stated that he was aware of the fact that the workman was illiterate and was unable to understand English. He agreed that he had not recorded the fact that the charge sheet was explained to the workman. The version of the Enquiry Officer in his affidavit is that workman signed the proceedings only after Shri Wankhede the Stenographer, who was present and recorded proceedings as per his dictation, explained the proceedings in Marathi and only after the workman understood the same. A note was appended to the enquiry proceedings to cross examination. The case of the workman was that he was asked to sign pre-recorded proceedings. Therefore, the crucial question is if the workman was explained in Marathi each and every time as soon as it was recorded or that he signed the proceedings after they were dictated in English by the Enquiry Officer and explained subsequently in Marathi. The Company has not examined Wankhede. The workman stated that he was not permitted to call his defence representative. The proceedings show that workman was not given option to get the proceedings recorded in Marathi. The Model Standing Orders applicable to workman are given in Schedule 1 of the rules framed as Industrial Employment (standing orders) Rule, 1946. The clause 14(bb) provides that the enquiry proceedings shall be held on the language preferred by the worker. The rule is mandatory. The workman should have given an option for recording of the enquiry proceedings in English before they were recorded. The workman was not asked the preference. It would be obvious he would asked for recording the proceedings in Marathi. The enquiry officer statement supports this

inference. Similarly, the workman was not given an option to appear through an office bearer of the Union. The admission of the workman could not be relied upon because he was not explained the implications of his admission. This tribunal is not convinced by evidence of Mr. D' Costa that had explained all the implications of the enquiry. It appears that he was not aware of the Model Standing Orders. He had not told the workman about his right to be represented by an Office bearer of the Union. The admission of the workman could not be relied upon because he was not explained the implications of his admission. This tribunal is not convinced by evidence of Mr. D' Costa that had explained all the implications of the enquiry. It appears that he was not aware of the Model Standing Orders. He had not told the workman about his right to be represented by an Office bearer. In absence of examination of Stenographer, it has to be inferred that workman signed the statement after it was dictated and typed. The version of the workman has to be accepted that was asked to sign a pre-recorded statement. He was not explained the nature of proceedings. The workman was not given any real opportunity to cross examine or lead evidence as the proceedings were recorded in English, a language he did not understand. The enquiry officer hurriedly conducted the enquiry without giving the workman a semblance of opportunity to defend himself. Thus, the principle of natural justice were violated. Thus the Issue No. 1 is decided against the company and in favour of the workman.

8. Since, this tribunal has found an Issue No. 1 that the workman did not understand the nature of proceedings, the findings recorded in the enquiry proceedings cannot be sustained. The finding that workman admitted his guilt cannot be accepted. The further findings that the workman did not explain his conduct cannot be accepted. Thus Issue No.2 is decided against the company and in favour of the workman not on the ground mentioned there but as a corollary finding on Issue No.1. Consequently, the entire enquiry proceedings are hereby set aside. The company had stated in paragraph 29 that it be given an opportunity to prove charges. Accordingly, the company is given opportunity to prove the charges framed against before this tribunal this part I Award is accordingly decided.

S.C. PANDEY, Presiding Officer.

ANNEXURE I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1

MUMBAI

Present :
JUSTICE GHANSHYAM DASS
Presiding Officer

REFERENCE NO. CGIT-54 OF 1998

Parties : Employers in relation to the management of
Air India

And

Their Workmen

Appearances :

For the Management : Mrs. Madhavi Dass,
Adv.

For the Workman : Mrs. P.S. Shetty,
Adv.

State : Maharashtra

Mumbai, dated the 2nd day of December 2005

AWARD PART-II

1. This is a reference made by Central Government in exercise of its powers under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). *Vide* Government of India, Ministry of Labour, New Delhi order No. L-11012/9/98-IR (C-1) dated 7-12-1998. The terms of reference given in the schedule are as follows :

“क्या एअर इंडिया के प्रबन्धन द्वारा दिनांक 13-10-96 से श्री प्रकाश एन. वाडेकर, क्लीनर की सेवा से डिसमिस करना विधिवत एवं न्यायपूर्ण है। यदि, नहीं तो वे किस राहत के पात्र हैं।”

2. In this reference Part-I Award was passed by predecessor in office on 26-5-2004 where in the domestic enquiry conducted by the Enquiry Committee against the workman was found to be a result of violation of principle of natural justice and hence the finding recorded in the enquiry proceedings was set aside. The domestic enquiry was with respect to the charge of misconduct under clause 14(3)(e) of the Model Standing Orders (Central) for “Habitual absence without leave”. The workman was found to be absent from duty during the period from January 1994 to December, 1994 for a period of 243 days as mentioned in the chargesheet but he was actually found to be absent for 214 days during the course of enquiry. Accordingly, the punishment of dismissal was passed by the Competent Authority which remained final at last. The workman alleged that his absence had been on account of ailment.

3. Since the finding on the charge of misconduct for habitual absence without leave had been set aside by my predecessor in office, the Management was asked to lead evidence to prove the charge. The management did not lead any evidence thereafter, before this tribunal to prove the charge. This act does not appear to be an act of prudent person on the face of it. It is surprising as to how the Air India Ltd., a company where the workman was working as a Cleaner chose not to lead any evidence before this tribunal.

4. In view of the above, submissions made by the learned counsel for the parties were heard. The record of the file has been perused.

5. The learned counsel for the workman relied upon the law laid down in JT 1998 (8) SC 315 between Neeta Kaplish Vs. Presiding Officer, Labour Court and Another Respondents, after referring a number of cases cited therein the Hon'ble Supreme Court held;—“In all cases where enquiry has not been held or the enquiry has been found to be defective, the Tribunal can call upon the Management or the employer to justify the action taken against the workman and to show by fresh evidence, that the termination or dismissal order was proper. If the Management does not lead any evidence by availing of this opportunity, it cannot raise any grouse at any subsequent stage that it should have been given that opportunity, as the Tribunal, in those circumstances, would be justified in passing an award in favour of the workman. If however, the opportunity is availed of and the evidence is adduced by the Management, the validity of the action taken by it has to be scrutinized and adjudicated upon on the basis of such fresh evidence. The Labour court, however, found that the enquiry was not fairly and properly held. It was after recording this finding that the Labour Court called upon the Management to lead evidence on merits which it did not do. If such evidence has not been led, the Management has to suffer the consequences.”

It further held “The record pertaining to the domestic enquiry would not constitute “fresh evidence” as those proceedings have already been found by the Labour Court to be defective. Such record would also not constitute “material on record” as contended by the counsel for the respondent, within the meaning of Section 11-A as the enquiry proceedings, on being found to be bad, have to be ignored altogether. In view of the nature of objections raised by the appellant, the record of enquiry held by the Management ceased to be “material on record” within the meaning of Section 11-A of the Act and the only course open to the Management was to justify its action by leading fresh evidence as required by the Labour Court.”

6. In view of the law mentioned above, this much is clear that the management is to suffer consequences for not leading any evidence to prove the charge and it cannot rely upon the domestic enquiry conducted in this case by the enquiry committee because that evidence cannot be said to be material on record. In this view of the matter the only question which is left for consideration at this juncture is as to what relief is to be granted to the workman since the dismissal cannot be upheld being based on the finding of the enquiry committee for the charge of misconduct. It is now clear that the basis of awarding the punishment of dismissal for a charge of misconduct is gone in view of the finding

recorded by my predecessor in office which is final till date being not modified/reversed by a higher court.

7. The learned counsel for the Air India cited before me the case of Divi. Controller G.S.R.T.C. Vs. Heirs of Inayatkhani Sarifkhan Pathan in Special Civil Application No. 13424 of 2004 decided by Honourable High Court of Ahmedabad (Not reported in any journal) and the case of Francis Xavier Joseph Chawl Vs. Magna Graphics (I) Pvt. Ltd., Mr. T.P. Panday, Director, Magna Graphics (I) Pvt. Ltd., The Presiding Officer, 2nd Labour Court and President, Industrial Court decided by the High Court of Bombay in Writ petition No. 246 of 1997 (Not reported in any journal) and submitted that in view of the absence of the workman from duty the punishment of dismissal be upheld. I feel that the argument put forward before me is fallacious. It has no merits at all. The punishment of dismissal cannot be upheld in the instant case for want of evidence for the charge of misconduct before this tribunal. The evidence which was available before the enquiry committee does not have any sense at this juncture since the report of the enquiry committee has already been set aside.

8. In this view of the matter the only conclusion which is possible in this case is that the punishment of dismissal cannot be upheld. Now the question arises as to what more relief should be given to the workman. Considering the duration of absence from duty by the workman who was simply a Cleaner, since the absence is never disputed by the workman, he is not entitled for any wages for the period of absence. The workman is to be reinstated immediately. No evidence has been lead before this tribunal by the workman that he remained idle and did not work at all anywhere and did not earn any income. The workman is not entitled to back wages. He shall be entitled to the wages from the date of reinstatement which must be done by the Air India Ltd. within a month positively and if not, the workman shall be deemed to have been reinstated in service and would be entitled to wages w.c.f. 2nd January, 2006.

9. The reference is answered accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer.

नई दिल्ली, 16 दिसम्बर, 2005

का. आ. 187.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 91/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-2005 को प्राप्त हुआ था।

[सं. एल-20012/173/92-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 16th December, 2005

S.O. 187.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 91/93) of the Central Government. Industrial Tribunal-cum-Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL, and their workman, which was received by the Central Government on 16-12-2005.

[No. L-20012/173/92-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

Present

Shri B. Biswas,
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947

REFERENCE NO. 91 OF 1993

Parties :—Employers in relation to the management of BCCL's Moonidih Project and their workman.

Appearances:

For behalf of the workman	: Mr. D. Mukherjee, Secretary Bihar Colliery Kamgar Union.
On behalf of the employers	: Mr. D.K. Verma, Advocate.
State	: Jharkhand
Industry	: Coal.

Dated, Dhanbad, the 29th November, 2004

AWARD

1. The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/ (173)/92-IR (Coal-I), dated, the 8th July, 1993.

SCHEDULE

"Whether the action of the management of Moonidih Project of M/s. BCCL under Moonidih Area of M/s. BCCL, P.O. Moonidih Dist. Dhanbad, in denying reinstatement of Shri Maharathi Prasad Pakawasa, T. No. 56f) with back wages is justified? If not, to what relief the workman is entitled?"

2. Case of the concerned workman according to Written Statement submitted by the sponsoring union on his behalf in brief is as follows :—

It has been submitted by the sponsoring union that the concerned workman Maharathi Prasad Pakawasa was a permanent workman at Moonidih Project. On 19-4-87 he received a message from his elder brother about serious illness of his wife. On receiving said news he became shocked which temporarily put him in mental depression and for which he left the station without intimating the management. The sponsoring union admitted that the concerned workman started absenting from duty without taking prior permission be leave from the management. They submitted that while the said workman was busy with the treatment of his wife all on a sudden his mother expired and for which he fell in serious mental depression which resulted his temporary derailment and was placed before the Doctor for treatment. As per advice of the local doctor the concerned workman again was taken to Ranchi for his treatment by a competent Psychiatrist. After recovery from his illness the said workman reported for his duty along with a Medical Certificate but management instead of allowing him to resume his duties informed that he was removed from his service. Accordingly after receiving the said news of his dismissal from service he submitted representation to the management with prayer for his reinstatement in service but management did not consider his prayer and for which he raised an industrial dispute before the ALC(C), Dhanbad challenging his illegal and arbitrary dismissal order issued by the management for conciliation which ultimately resulted reference to this Tribunal for adjudication. The sponsoring union accordingly submitted prayer to pass Award directing the management to reinstate the concerned workman to his service with full back wages setting aside the said order of dismissal.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegation which the sponsoring union asserted in the Written Statement submitted on behalf of the concerned workman. They submitted that the concerned workman started absenting from duty without leave and permission and also without satisfactory cause with effect from 17-4-87. Accordingly they issued charge sheet to the concerned workman on 14-6-88 for commission of misconduct under para 17(i)(N) of the Certified Standing Order of Moonidih Project under signature of the Area Manager (Technical) who was Agent under the Mines Act, 1952. They submitted that the concerned workman did not receive the chargesheet at his local address and for which the same was sent to him by Regd. Post A/D in his permanent home address. As the concerned workman was not found in the home the charge sheet was returned back to the management. Thereafter the Disciplinary Authority appointed Shri R. C. Srivastava Senior Personnel Officer as the Enquiry Officer by letter dt. 22/28-2-20 under the signature of the Dy. General Manager, Moonidih Area who also Agent under the Mines Act, 1952. By the said order Mr. Ambika Pandey, M.T.K. Incharge was appointed

as Presenting Officer. Thereafter the Enquiry Officer issued notice of enquiry dt. 3-3-90 to the concerned workman fixing date of enquiry as 14-3-90 at his home address by regd. Post but as he could not be traced out in the colliery premises or at his local address the same could not be executed, and the letter of enquiry sent at his home address was returned back being unserved. Thereafter the said Enquiry Officer on 14-3-90 started departmental enquiry ex parte against the concerned workman and after completion of hearing of the enquiry proceeding he submitted his report to the Disciplinary Authority on 27-3-90 holding the concerned workman guilty to the charges. Thereafter the disciplinary authority issued order of dismissal dt. 7/8-5-90 to the concerned workman. They submitted that the concerned workman did not make any correspondence from 17-4-87 to till date of his dismissal vide order dt. 7/8-5-90. On the contrary he raised industrial dispute on 4-12-91 through the sponsoring union after making out a case why he absented from duty on account of his family's misfortune and also why he became a mental patient due to misfortune in his family. They submitted that the concerned workman has made out a false case with the help and assistance of some interested persons as he could not justify any reason for not making any correspondence with the management disclosing the problems which he was facing. In view of the facts and circumstances stated above management submitted that they did not commit any illegality or took any arbitrary decision violating the principle of natural justice in dismissing the concerned workman from his service and for which he is not entitled to get any relief in view of his prayer.

POINTS TO BE DECIDED

"Whether the action of the management of Moonidih Project of M/s. BCCL under Moonidhi Area of M/s. BCCL, P.O. Moonidih Dist. Dhanbad in denying reinstatement of Shr Maharathi Prasad Pakawasa, T. No. 560 with back wages is justified? If not, to what relief the workman is entitled?"

5. It transpires from the record that before taking up hearing of this case on merit it was taken into consideration whether domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice. Said issue on preliminary point was disposed of vide order No. 66 dt. 30-10-2003 against the management and for which opportunity was given to them to adduce evidence on merit. On merit the point for consideration is whether management have been able to substantiate the charge brought against the concerned workman and if so whether order of dismissal issued against him was proportionate and justified, as regards to the misconduct committed by him, in view of the provision as laid down under Section 11A of the I.D. Act., 1947. Here in the instant case on merit management examined one witness as W-1. This witness during his evidence disclosed

that the concerned workman was posted at Auto Section at Moonidih Project. He disclosed further that he was attendance clerk of the said Auto Section at Moonidih Project. He disclosed further that he was attendance Clerk of the said Auto Section and other sections of the Moonidih Project and being the Attendance clerk he used to note attendance of the workman in the Attendance Register. He submitted that the concerned workman started remaining absent from duties without taking prior permission or giving any intimation to the management with effect from 17-4-87 in writing. Accordingly a charge-sheet was issued to the concerned workman by the management copy of which during his evidence was marked as Ext. M-1. This witness further disclosed that the concerned workman remained himself absent from duty continuously upto 1990. Considering the evidence of MW-1 and considering the claim of the management which they have ventilated in their Written Statement it transpires that the concerned workman started remaining himself absent from duty without giving any information or obtaining prior permission from the management w.e.f. 17-4-87. The charge sheet during hearing of domestic enquiry was marked as Ext. M-1. The said charge-sheet on the allegation of committing misconduct and for violation of clause 17(i)(n) of the Certified Standing Order was issued dt. 14-6-88. The contention of the management is that from 17-4-87 to till date of issuance of charge-sheet the concerned workman remained himself absent from duty without giving intimation or taking prior permission from the management. The concerned workman did not deny that he was not remaining absent during the period in question. In his Written Statement he admitted that on receipt of a communication about serious illness of his wife from his elder brother he was not only seriously shocked but also depressed mentally and for which he left the station without giving any intimation to the management. He further disclosed in his Written Statement that while he was busy with the treatment of his wife his mother all on a sudden expired which put him into further mental depression and he became a psychiatric patient and accordingly he remained under treatment of the Psychiatrist at Ranchi. The concerned workman in his Written Statement further submitted that after recovery from his ailment when he came to his place of work along with necessary medical certificate with a view to resume his duties he was informed by the management that his service was terminated. Order of dismissal was issued by the management vide letter No. MNO/Dy.GM/Dy.CPM/Per/39/90/8333-38 dated 7/8-5-90 which during hearing was marked as Ext. M-5. Therefore, it is clear that upto that period till issuance of his order of dismissal the concerned workman was absent from duty. It is therefore, clear that from 17-4-87 till dismissal from his service the concerned workman did not attend to his duties. His claim is that on the ground of his wife's illness and due to expiry of his mother and also on the ground of his ailment being

Psychiatric patient he did not get scope to join his duty. During hearing the concerned workman did not consider necessary to produce any medical paper in support of his claim that he was actually a Psychiatric patient and for which it was not possible on his part to attend his duties. According to the Certified Standing Order absent from duty without leave or prior permission and without satisfactory cause for more than 10 days amounts to misconduct. As the concerned workman failed to give any satisfactory explanation supported by cogent document I find sufficient reason to hold that management was justified in issuance of charge sheet in the name of the concerned workman on the ground of committing misconduct as per clause 179(i)(n) of the Certified Standing Order.

It is the claim of the management that the said charge sheet was issued in the name of the concerned workman at his local address but as he was not found there the same was sent to his permanent address at his native village by Regd. Post. They submitted further that inspite of issuance of chargesheet by Regd. Post as the concerned workman failed to give any reply to the chargesheet the Disciplinary authority decided to hold domestic enquiry against him and accordingly appointed Mr. R.C. Srivastava as the Enquiry Officer, and Mr. Ambika Pandey, M.T.K. Incharge as Presenting Officer. Office Order dt. 22/28-2-90 to that effect was marked as Ext. M-2. Further contention of the management is that after taking charge of the enquiry proceeding the Enquiry Officer issued notice of enquiry proceeding to the concerned workman first at his local address and then at his permanent address by Regd. Post. The notice sent to the permanent address of the workman was returned back with the comment of the postal Peon "Not found". Thereafter the Enquiry Officer initiated hearing of the enquiry proceeding exparte and after completion of hearing submitted his report holding the concerned workman guilty to the charges to the disciplinary authority. Enquiry report during hearing was marked as Ext. M-4. It is the specific contention of the sponsoring union that management illegally, arbitrarily and violating the principle of natural justice conducted domestic enquiry against the concerned workman without giving him any opportunity to defend his case and accordingly they submitted that such illegal and arbitrary act of the management which resulted dismissal of the concerned workman is liable to be vitiated. On the contrary Ld. Advocate for the management in course of hearing submitted that from the facts disclosed in the Written Statement submitted by the sponsoring union it has been exposed clearly that the concerned workman remained on unauthorized absence continuously from 17-4-87 to till date of his dismissal. This act has proved specifically that the concerned workman committed misconduct which invited enquiry against him and accordingly on the basis of the report of the Enquiry Officer management did not commit any illegality in dismissing the concerned workman from his service. Considering submission of both sides I find no dispute to hold that absence of the concerned

workman from duty for a continuous period from 17-4-87 till date of issuance of chargesheet invited misconduct as per clause (i)(n) of the Certified Standing Order. Accordingly there is no scope at all to say that management committed any illegality in issuance of chargesheet against the concerned workman for committing such misconduct but the point which has to be considered here is whether opportunity was given to the concerned workman to defend his case or not. Committing misconduct and holding of domestic enquiry based on committing that misconduct should not be placed on the same footing. If a person commits misconduct it is mandatory on the part of the management as per the provision laid down in the Certified Standing Order to issue chargesheet to the concerned workman with a new to give him opportunity to submit his reply and if the reply is found unsatisfactory in that case the management gets the course to move for domestic enquiry against him. Therefore, management is liable to fill up this gap and burden of proof rests on them to establish that inspite of receiving chargesheet the concerned workman intentionally did not submit his reply which led them to initiate domestic enquiry against him.

Contention of the management is that the chargesheet against the concerned workman was sent initially at his local address but as he was not found present there the same was sent to the address at his native village by Regd. Post. During hearing on preliminary point management got the scope to produce the postal receipt to show that chargesheet was issued and sent at the permanent address of the concerned workman by Regd. Post. Until and unless this fact is established there is no scope to draw any inference about such claim of the management. There was scope for issuance of substituted service by publication of chargesheet in the newspaper. When the management was not confirmed about service of chargesheet upon the concerned workman they had the scope to publish the chargesheet in the news paper with a view to establish that they have exhausted all the processes for causing service of the chargesheet against the concerned workman. Instead of doing so they initiated domestic enquiry against the concerned workman. It is the claim of the management that the enquiry officer after taking charge of the enquiry proceeding issue notice to the concerned workman. No evidence is forthcoming to the effect that the said notice was actually received by the concerned workman. Management based on the comments of the Postal Peon on the envelope marked as Ext. M-6 "Not found", submitted that the service of notice was proper. The said envelope contains the office order relating to the appointment of the Enquiry Officer and Presenting Officer marked as Ext. M-7. This officer order in no circumstances can be considered as issuance of chargesheet or issuance of notice notifying the date of hearing of the enquiry proceeding by the Enquiry Officer. In this connection the decision reported in 1998 LLR 1097 should be taken into consideration. In the said decision

Their Lordships of the Hon'ble Apex Court observed that the postal endorsement "not found" on the cover of the envelop containing the chargesheet sent by registered post indicated that the chargesheet was not tendered to the respondent even by the postal authorities. It could not be legally treated to have been served. The appellant should have made further efforts to serve the chargesheet on the respondent. A single effort on the circumstances of the case, should not be considered as sufficient which could invite departmental proceeding against the workman. Accordingly departmental proceeding should be considered as bad in law. In view of my observation made above based on the decision of the Apex Court will expose clearly that the first and foremost duty of the management is to establish that inspite of taking all out ventures and exhausting all process with all diligence either the chargesheet or the notice of enquiry proceeding could be served upon the concerned workman. Fairness of the domestic enquiry accordingly was challenged by the concerned workman taking the plea that no opportunity was given to him to defend his case. After careful consideration of all the facts and circumstances it was decided by this Tribunal vide Order No. 66 dtd. 30-10-2003 that domestic enquiry held by the enquiry officer was not fair and in accordance with the principle of natural justice.

Accordingly opportunity was given to the management to adduce evidence on merit. In course of hearing on merit management though examined one witness with a view to substantiate their claim have failed to exhibit material document to establish the charge brought against the concerned workman. In course of hearing representative of the concerned workman submitted that at the time of considering the evidence on merit the Tribunal is debarred from considering the material papers of the enquiry proceeding. Ld. Advocate for the management on the contrary challenging submission of the representative of the concerned workman relied on the decision reported in SCLJ Vol. 7, Page 512 arising out of Civil Appeal No. 1461 of 1972 between the workmen of Firestone Tyre and Rubber Co. and the management and others. In the said decision in para-49 & 50 Their Lordships of the Hon'ble Apex Court incorporated the meaning of "materials on record" as incorporated in Section 11A of the I. D. Act., 1947 which is as follows:—

Para-49

The expression 'materials on record' occurring in the proviso, in our opinion, cannot be confined only to the materials which were available at the domestic enquiry. On the other hand, the 'materials on record' in the proviso must be held to refer to materials on record before the Tribunal.

Para-50 They take in:—

- (1) The evidence taken by the management at the enquiry and the proceedings of enquiry; or
- (2) the above evidence and in addition any further evidence led before the Tribunal. or

- (3) evidence placed before the Tribunal for the first time in support of the action taken by an employer as well as the evidence adduced by the workmen centre.

The above items by and large should be considered to be the 'materials on record' as specified in the Proviso. We are not inclined to limit that expression as meaning only that material that has been placed in a domestic enquiry. This provisionally confines the Tribunal to the materials on record before it as specified above when considering the justification or otherwise of the order of discharge or dismissal. It is only on the basis of those materials that the Tribunal is obliged to consider whether the misconduct is proved and the further question whether the proved misconduct justified the punishment of dismissal or discharge. It also prohibits the Tribunal from taking any fresh evidence either for satisfying itself regarding the misconduct or for altering the punishment. From the Proviso it is not certainly possible to come to the conclusion that when once it is held that an enquiry has not been held or is found to be defective, an order reinstating the workman will have to be made by the Tribunal. Nor does it follow that the proviso deprive an employer of his right to adduce evidence for the first before the Tribunal. The expression 'fresh evidence' has to be read in the context in which it appears, namely, as distinguished from the expression 'materials on record.' If so, read the proviso does not present any difficulty at all. Therefore, the interpretation of the Hon'ble Apex Court in relation to the meaning 'Materials on record' has clearly exposed that the Tribunal is very much entitled to consider the evidence taken by the management at the enquiry and the proceedings of the enquiry or in addition any further evidence led before the Tribunal, or evidence placed before the Tribunal for the first time in support of the action taken by the employer as well as the evidence adduced by the workmen contrary. I, therefore, hold that the submission made by the Ld. Advocate for the management is correct and for which I am not inclined to accept the submission of the representative of the concerned workman. In spite of reliance of the decision as discussed above management have failed to substantiate that the chargesheet which was issued to the concerned workman was actually received by him particularly when it has been emphatically submitted by the concerned workman that he did not receive any such chargesheet. Burden of proof absolutely rests on the management that notice of enquiry proceeding also was communicated to the concerned workman. In view of my discussions as above I find no dispute to hold that management in this regard also has lamentably failed to establish their claim. Therefore, it is seen that the concerned workman not only was deprived of getting the chargesheet but also was in the dark about hearing of the enquiry proceeding conducted by the Enquiry Officer. Management dismissed the concerned

workman from his service also without giving any second notice to the concerned workman. The said order of dismissal was based on the report of the Enquiry Officer who conducted domestic enquiry *ex parte*. Absolutely burden of proof is on the management to substantiate the charge brought against the concerned workman. As the concerned workman did not get any opportunity to submit any reply there is no scope at all to say that he got the scope to defend his case. There is no doubt in view of admission made by the concerned workman in his written statement that he remained himself absent from duty for a long period without taking prior permission or giving intimation to the management. This act of the concerned workman amounts to misconduct, no doubt and he deserves to be chargesheeted as per clause 17 (i) (n) of the Certified Standing Order. But it does not interpret that management has got the authority to conduct domestic enquiry *ex parte* as of their choice without establishing the fact that sufficient opportunity was given to the concerned workman to defend his case. My discussions above have clearly established neither chargesheet that nor any notice of enquiry proceeding was served upon the concerned workman. Therefore, it is clear that without the knowledge of the concerned workman, said *ex parte* enquiry proceeding was conducted by the Enquiry Officer which I consider is absolutely illegal, arbitrary as it violated the principal of natural justice. It is seen that on the basis of that illegal and arbitrary domestic enquiry the Disciplinary Authority dismissed the concerned workman from his service. As the management have failed to establish the charge brought against the concerned workman the said order of dismissal is liable to be set aside. In the result, the following Award is rendered:—

"The action of the management of Moonidih Project of M/s. BCCL under Moonidih Area of M/s. BCCL. P.O. Moonidih Distt. Dhanbad in denying reinstatement of Shri Maharathi Prasad Pakawasa T.No.560 is not justified. Consequently, the dismissal order issued against the concerned workman by the management is set aside. Accordingly the concerned workman is entitled to be reinstated in his original post without any back wages.

Management is directed to implement the Award within three months from the date of its publication in the Gazette of India in the light of the above observations.

B. BISWAS, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2005

का. आ. 188.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-11 के पंचाट (संदर्भ संख्या

24/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-2005 को प्राप्त हुआ था।

[सं. एल-20012/146/90-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 16th December, 2005

S.O. 188.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 24/90) of the Central Government, Industrial Tribunal/Labour Court Dhanbad-II now as shown in the Annexure, in the Industrial Dispute between employers in relation to the management of CCL and their workman, which was received by the Central Government on 16-12-2005.

[No. L-20012/146/90-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 24 of 1996

PARTIES :

Employers in relation to the management of Rajahara Colliery of M/s. CCL and their workman.

APPEARANCES :

On behalf of the workman : Mr. S. Bose, Authorised Representative

On behalf of the employers : Mr. D.K. Verma, Advocate.

State : Jharkhand

Industry : Coal.

Dhanbad, the 30th November, 2005

AWARD

1. The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/(146)/90-IR(Coal-I), dated, the 19th September, 1990.

SCHEDULE

"Whether the demand of the workman/Union that Shri Arun Kumar be promoted to Tech. A Grade is justified? If so, what relief the workman is entitled to and from which date?"

2. The case of the workman according to Written Statement submitted by the sponsoring union on his behalf in brief is as follows:

Sponsoring union submitted that the concerned workman was employed in the capacity of Quality Incharge at Gore Magnetite Project of BCCL w.e.f. 5-4-76. Prior to taking over of the said Project by BCCL the same was under the management of M/s. IISCO, and as such the workmen of that Project were paid IISCO. Rate of wages even after its take over by BCCL and the said system continued till 1981. They submitted that during the period between 1976 to 1981 the concerned workman was paid consolidated rate of wages @ Rs. 300/- P.M. without fixing any time scale. However, in the year 1981 BCCL management appointed a committee for grade fixation in respect of the employees of Gore Magnetite Project and the said committee proposed certain scales of different categories of workman in the Project and the concerned workman was placed in the time scale of Rs. 400-16-576 w.e.f. 1-1-79. They disclosed that the concerned workman immediately raised his protest for his wrongful fixation of pay but to no effect. They submitted that in the year 1985 the concerned workman was put on duty of Laboratory Incharge of Gore Magnetite Project and was told that he would be paid the scale of Laboratory Incharge w.e.f. April, 1985 and a notesheet was moved by the Agent of Gore Magnetite Project for fixation of grade and scale in conformity with his designation as Laboratory Incharge. In the year 1986 NCWA was introduced at Gore Magnetite Project and accordingly the grade of the concerned workman was fixed @ Rs. 678-30-918-35-1198 in Tech. and Supervisory Grade-D. As the grade provided to the concerned workman was inferior grade he again through his union raised protest and thereafter the management placed him in Technical and Supervisory Grade 'C' from Technical and Supervisory Gr. D w.e.f. 4-1-89 but denied to provide the Technical and Supervisory Grade-A which the concerned workman was very much entitled being Laboratory Incharge. As the management refused to provide the concerned workman with supervisory and Technical Grade-A he raised an Industrial dispute through sponsoring union for conciliation before the ALC(C) Ranchi which ultimately resulted reference to this Tribunal for adjudication. Accordingly the sponsoring union submitted prayer to pass award directing the management to place the concerned workman in Technical and Supervisory Grade-A w.e.f. April, 1985 with back wages and other consequential benefits.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in their Written Statement submitted on behalf of the concerned workman. They submitted that the concerned workman was employed at Gore Magnetite Mines as Mazdoor @ Rs. 15/- per day w.e.f. 5-4-76. The said project during the early's 1970 was under control of Steel Authority of India Ltd. After nationalisation of Coking Coal Mines w.e.f. 1-5-72 under the Coking Coal Mines (Nationalisation)

Act, 1972 the said Project was handed over by the SAIL to the BCCL for its management under a power of attorney. Later on w.e.f. 1-10-1983 the ownership of these coal washeries was transferred by SAIL to BCCL alongwith Gore Magnetite Mine. Thereafter w.e.f. 1-10-1986 said Magnetite Mine was transferred by BCCL to CCL and ultimately it was closed w.e.f. February, 1991 as it was found to be very uneconomical apart from some technical and other problems. As a result all the workers of Gore Magnetite Mine were transferred to different units of CCL. They submitted that when Gore Magnetite Mine was in existence it had a very small laboratory for analytical purposes of the minerals and it was under the charge of a Laboratory Incharge/Laboratory Assistant, Shri Upendra Singh. Sometimes after his initial employment on daily rates of pay the concerned workman was transferred to that Laboratory and was allowed to function as Laboratory Technician w.e.f. 1-1-79. In the year 1981 the workmen of Gore Magnetite Mine were placed in the pay scales of Steel Wage agreement with retrospective effect from 1-4-79 and the concerned workman was designated as Laboratory Technician in the Grade of OM-7. Such placement of the concerned workman in Grade OM-7 was done on the basis of the deliberations of a committee constituted by the management. In the year 1986 the workmen of Gore Magnetite Mine who were till then in the pay scale of Steel Wage agreement were placed in the pay scales of Coal Industry as finalised by the Joint Bipartite Committee for coal industry and as provided in NCWA. Accordingly as per NCWA the concerned workman was placed in daily rated category V w.e.f. 1-1-1983 and subsequently placed in Technical and Supervisory Grade-D in the pay scale of Rs. 678-30-918-35-1198. In February, 1988 the concerned workman was transferred to Rajhara Colliery and posted in the colliery laboratory as a Laboratory Technician in Technical and Supervisory Grade-D. The said laboratory they submitted was a small unit and pressure of work was absolutely normal. However, subsequently the case of the concerned workman was considered by departmental promotion committee and he was promoted to the post of Assistant Chemist in Technical and Supervisory Grade-C under NCWA-III by Office Order dt. 21/22-12-88. Subsequently, when NCWA-IV came into force retrospectively from 1-1-1987 he was given the benefit of the revised pay scale thereunder. Management submitted that considering the qualifications experience and nature of job performed by the concerned workman and his duties and responsibilities there is absolutely no question of promoting him to Technical and Supervisory Grade-A. They disclosed that Technical and Supervisory Grade-A relates to the post of Sr. Chemist. The qualification laid down by JBCCI are as follows :—

“Chemical Laboratory :

A workman graduate in Science with 5 years experience as a Chemist. Alternatively, he should have atleast 13 years experience out of which 5 years must be as a chemist. He must be fully conversant with analysis of coke, coal mine, gas, mine dust, boiler feed water etc. He must be able to interpret

results of analysis of GAs Mine dust, Boiler feed water etc. or in a washery he should be capable of independently organising a process and quality control laboratory. He should be fully conversant with the Indign and as well as other standard specifications used for sampling, preparation and analysis of coal/magnetite and other materials used in coal preparation plant. He should be conversant to washability and efficiency test and principles of various coal preparation process. He should be capable of carrying out mine, air and dust analysis. He will also be required to draw raw coal samples from coal seams. He must be able to interpret the result for guidance in quality controls etc. He should be responsible for indent, storage chemical, equipment and maintain necessary records thereof. He shall guide and supervise the work of Assistants under him in Laboratory.”

Management submitted that as per the promotional rules an employee in Technical Grade-C can be promoted in Technical and Supervisory Grade-B and an employee in Technical and Supervisory Grade-B can promoted in Tech. and Supervisory Grade-A step by step subject to vacancies, selection and compliance with the relevant promotion rules laid down by JBCCI vide Implementation Instruction No. 39 dt. 10-8-82. They disclosed that highest post in the Rajhara Laboratory can at best be of an Asstt. Chemist and that there will be no justification for posting the Chemist or a Sr. Chemist in that Laboratory. Accordingly they submitted that the demand of the concerned workman/ union that Shri Arun Kumar be promoted to Technical and Supervisory Grade-A is not at all justified and in consequence he is not entitled to get any relief whatsoever and from any date whatsoever. In the circumstances management submitted prayer to pass Award rejecting the claim of the concerned workman.

4. POINTS TO BE DECIDED

“Whether the demand of the Workman/Union that Shri Arun Kumar be promoted to Tech. A Grade is justified? If so what relief the workman is entitled to and from which date?”

5. FINDING WITH REASONS

It transpires from the record that the sponsoring union with a view to substantiate their claim examined the concerned workman as WW-1. Management on the contrary did not adduce any oral evidence. WW-1, i.e. the concerned workman during his evidence disclosed that in the year 1976 he joined in the post of quality incharge at Gore Magnetite Project of BCCL Dal tongange. He disclosed that in the year 1985 he was put on the duty as Laboratory Incharge in Gore Magnetite Project and a notesheet was moved by the Agent for fixation of his grade and scale. Accordingly in the year 1986 as per NCWA-III the scale of pay was fixed at Rs. 678-1198/- in Tech. and Supervisory Grade-B. He disclosed that in the year 1986 the ownership of the management of the said project was transferred to CCL from BCCL. As he was not satisfied with the fixation of his scale of pay he made representation

to the management and ultimately in the year 1989 he was promoted to Technical and Supervisory Grade-C. His claim is that management illegally placed him in Technical and Supervisory Grade-C though he was very much entitled to get Technical and Supervisory Grade-A. This witness during cross-examination admitted that in the beginning he was appointed as quality incharge but though admitted the same he has failed to produce any appointment letter to that effect. He practically failed to discharge this responsibility by disclosing the fact that he handed over that appointment letter to his counsel. This witness during his evidence further disclosed that Sri Satyapal Verma raised an industrial dispute regarding the workers of Gore Magnetite Project for their scale which was pending in Tribunal No. 2, at Dhanbad. From his cross-examination it transpires clearly that he was placed in Grade OM-7 though he disclosed that he ought to have been placed in higher grade. As anomaly relating to fixation of grade and scale of pay cropped up an anomaly committee was constituted for redressal of the grievances of that project and Mr. Satya Pal Verma was one of the member of that committee. He alleged that the said committee decided his case correctly and in a bonafide manner. The report of the committee wherein Satya Pal Verma had signed was marked as Ext. M-3. This witness disclosed that thereafter management placed him in Technical and Supervisory Grade-D w.e.f. 1-1-83 as per scale provided under NCWA-III and thereafter he was transferred to Rajhara Colliery in the month of February, 1988. This witness further disclosed that JBCCI had formulated the scale of Junior Chemist, Senior Chemist in Technical and Supervisory Grade D, C, B, and A respectively. He further admitted that he was not aware of the promotion rules and its stages framed by JBCCI. However, he admitted that the nature of work has distinctly defined as to who will work what sort of work and who will be entitled to get the grade according to qualification and experience. He admitted that the post of Senior Chemist comes under Technical and Supervisory Grade-A. Considering the averments of WW-1 it transpires that in the year 1976 when he joined at Gore Magnetite Project his designation was disclosed as a quality incharge. The concerned workman during his evidence relied on the I.D. Card issued to him by Rajhara Colliery which was marked as Ext. W-1. Said I.D. card was issued on 5-4-76 wherein his designation was disclosed as Laboratory Incharge. The concerned workman during his evidence categorically admitted that in the year 1985 he was put on duty as Laboratory Incharge at Gore Magnetite Project. If this fact is taken into consideration how his designation was disclosed as Laboratory incharge in the year 1976 when his designation was nothing but Quality Incharge. During hearing the representative of the concerned workman has failed to give any satisfactory explanation to this effect. A very pertinent question which has been cropped up here is whether Laboratory Incharge is entitled to get the scale of Technical and Supervisory Grade-A. It is seen that in the year 1986 the concerned workman was placed in Technical and Supervisory Grade-D and thereafter in the year 1989 he was provided with Technical and Supervisory Grade-C.

This witness had categorically admitted that JBCCI has formulated the scale and Grade of Junior Chemist, Senior Chemist in Supervisory Grade-D, C, B, and A respectively. According to the submission of the management based on JBCCI circular the post of Sr. Chemist relates to Technical and Supervisory Grade-A and the qualification etc. laid down to that effect as per JBCCI are as follows:—

“A Workman graduate in Science with 5 years experience as a Chemist. Alternatively, he should have atleast 13 years experience out of which 5 years must be as a chemist. He must be fully conversant with analysis of coke, coal, mine, gas, mine dust, boiler feed water etc. He must be able to interpret results of analysis of Gas Mine dust, Boiler feed water etc. or in a washery he should be capable of independently organising a process and quality control laboratory. He should be fully conversant with the Indian and as well as other standard specifications used for sampling, preparation and analysis of Coal/Magnetite and other materials used in coal preparation plant. He should be conversant to washability and efficiently test and principles of various coal preparation process. He should be capable of carrying out mine, air and dust analysis. He will also be required to draw raw coal samples from coal seams. He must be able to interpret the result for guidance in quality controls etc. He should be responsible for indent, storage chemical, equipment and maintain necessary records thereof. He shall guide and supervise the work of Assistants under him in Laboratory.”

Management submitted that the departmental promotion committee considered the case of the concerned workman and accordingly he was promoted to the post of Asstt. Chemist in Technical and Supervisory Grade-C under NCWA-III vide Office order issued dt. 21/22-12-88. It is the specific case of the management that there is no scope for claiming promotion to the post of Senior Chemist in Technical and Supervisory Grade-A directly from Technical and Supervisory Grade-C. To get the post of Technical and Supervisory Grade-A workman must fulfil the required conditions as laid down under JBCCI Circular No. 39. According to that circular a workman claiming such post must fulfil the following conditions viz. he must be science Graduate with five years experience as Chemist alternatively he should have 13 years experience out of which 5 years must be as a chemist along with other stipulation. In course of evidence the concerned workman has failed to produce a single scrap of paper to show that he got five years experience as Chemist being a Science graduate. If his evidence is taken into consideration in that case it will expose clearly that only in the year 1985 he was put on duty of Laboratory Incharge and he got his promotion in Technical and Supervisory Grade-C as Asstt. Chemist in the year 1989. Therefore, his evidence speaks clearly that he did not accrue any experience as Chemist continuously for a period of five years before he placed his claim for his

promotion in Technical and Supervisory Grade-A. The concerned workman to establish his claim that he worked as Laboratory Incharge relied on certain papers marked as Ext. W-1 to W-7. In all these official documents his designation was disclosed as Laboratory Incharge. Nowhere in these office orders it could be seen that he discharged his duties as Chemist. The role of Laboratory Incharge and the role of Chemist cannot be equated together. Moreover, genuinity of disclosing his designation which are appearing in these documents definitely have been questioned because of the fact that he has failed to produce his appointment letter as Laboratory Incharge. I.D. Card marked as Ext. W-1 shows that his designation was disclosed as Laboratory Incharge by the management of Rajhara Colliery showing his date of appointment as 5-4-76. When the witness himself has admitted that in the year 1976 he joined the post of quality incharge how his designation was disclosed as Laboratory Incharge. It is seen that the concerned workman was transferred to Rajhara Colliery by order dt. 16/19-2-88 marked as Ext. W-3 and he joined thereby Office order dt. 20-2-88 marked as Ext. W-3/1. It is admitted fact that the concerned workman got his promotion in Technical and Supervisory Grade-D in the year 1986 as per NCWA III and was placed in the scale of Rs. 678/- and 1198/-. Nowhere in the office order marked as Ext. W-3 and W-3/1 this fact was disclosed. It is admitted position that by Office order dt. 22-12-88 the concerned workman was promoted to the post of Asstt. Chemist in Technical and Supervisory Grade-C and was placed in the scale of Rs. 742-40-1062-45-1422. By that order he was posted at Rajhara Project. Based on that office order another Office order marked as Ext. W-8 was issued by Dy. CME/Project Officer, Rajhara Group. But in the said order there is no whisper to the effect that he was promoted to the post of Assistant Chemist as per recommendation of the D.P.C. However, as Asstt. Chemist he was on probation for six months and after completion of the period of probation satisfactorily the said probationary period was closed w.e.f. 4-7-89.

It is fact that the concerned workman has failed to produce any appointment letter to show that he appointed as Laboratory Incharge. Even for argument sake it is taken into consideration that he discharged his duties as Laboratory Incharge in that case a question which has been cropped up here is whether a Laboratory Incharge is entitled to get his post in Technical and Supervisory Grade-A particularly when it is clear that the said grade i.e. Technical and Supervisory Grade-A is meant for Senior Chemist. Accordingly burden of proof is on the concerned workman to establish that the post of Laboratory Incharge and the post of Senior Chemist are same. I find no hesitation to say that in spite of getting ample opportunity neither the concerned workman nor his representative has failed to produce any paper to show that the post of Laboratory Incharge and the post of Senior Chemist are same. Even he has failed to produce any paper to show that Laboratory Incharge is entitled to get his promotion in

Technical and Supervisory Grade-A and not in any other grade. JBCCI circular has clearly pointed out who are entitled to get promotion in Technical and Supervisory Grade-A as Senior Chemist. The prime condition which is required to be fulfilled is that the workman must have experience to work as Chemist continuously for a period of 5 years. As the concerned workman has failed to produce any paper to show that Laboratory Incharge is entitled to get promotion in Technical and Supervisory Grade-A he is liable to establish that as Chemist he fulfils the condition as laid down in JBCCI Circular No. 39 to get his promotion in Technical and Supervisory Grade-A. The concerned workman has very clearly admitted that he was put on duty as Laboratory Incharge at Gore Magnetite Project in the year 1985. Therefore, in the year 1988 he got his promotion in Technical and Supervisory Grade-D and in the year 1989 he got his promotion in Technical and Supervisory Grade-C to the post of Asstt. Chemist on the basis of the recommendation made by D.P.C. The post of Asstt. Chemist and the post of Sr. Chemist cannot be equated together. To get promotion as Sr. Chemist, an Assistant Chemist is required to fulfil the conditions as laid down in JBCCI circular No. 39. The concerned workman during his evidence has failed to produce any paper to show that even as Asstt. Chemist he has failed to fulfil the conditions to get his promotion in Technical and Supervisory Grade-A but management illegally and arbitrarily did not consider his such qualification. It is seen that the concerned workman just as a Laboratory Incharge has placed his claim for his promotion in Technical and Supervisory Grade-A but excepting placing that claim he has failed to produce a single scrap of paper to show that management illegally and arbitrarily violating the principle of natural justice ignored his promotion to the post of Technical and Supervisory Grade-A, on the contrary placed him as Asstt. Chemist in Technical and Supervisory Grade-C.

JBCCI circular No. 39 has clearly pointed out which chemists are to be promoted in Technical and Supervisory Grade-D, C, B and A. Until and unless conditions as laid down therein by any workman he cannot place his claim for such promotion. After careful consideration of all the facts and circumstances and considering the guideline of JBCCI circular No. 39 I find no hesitation to say that the claim of the concerned workman is absolutely baseless and for which there is no scope at all to say that management illegally and arbitrarily placed him in Technical and Supervisory Grade-C as Asstt. Chemist ignoring his promotion in Technical and Supervisory Grade-A as Senior Chemist. Accordingly the concerned workman is not entitled to get any relief. In the result, the following Award is rendered :—

“ The demand of the workman/union that Shri Arun Kumar be promoted to Technical A Grade is not justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 2005

क्र. अ. 189.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार नार्थ वेस्ट रेलवे के प्रबंधन के संबंध निम्नलिखित और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अथवा न्यायालय, जयपुर के पंचद (संदर्भ संख्या 5/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-2005 को प्राप्त हुआ था।

[संख्या-41012/91/2004-आई. आर. (बी-1)]

अजय कुमार डेस्क अधिकारी

New Delhi, the 19th December, 2005

S.O. 189.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/2005) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of North West Railway and their workman, which was received by the Central Government on 16-12-2005

[No. L-41012/91/2004-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL/CUM-LABOUR COURT, JAIPUR

Case No. CGIT-5/2005

Reference No. L-42012/91/2004-IR (B-1)

Sh. Ghanshyam,

Ro 122A, Chavria Marg, Nahargarh Road,

Near Nimdi Police, Mohan Nagar,

Jaipur

.... Applicant

Versus

1. The Divisional Railway Manager,

North West Railway,

Power House Road, Jaipur,

Jaipur.

2. Station Manager,

North West Railway,

Railway Station,

Jaipur

3. Union of India,

Through General Manager,

North West Railway,

Khatipura Road,

Jaipur.

.... Non-applicants

Present :

Presiding Officer : Sh. R.C. Sharma.

For the applicant : Sh. R.C. Narang.

For the non-applicant : Sh. Balvinder Singh.

Date of award : 30-11-2005.

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-sections 1 & 2(A) to

Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under:—

"Whether the action of the management of North West Railway Administration, Jaipur in not treating Sh. Ghanshyam S/o Sh. Narayan, Kantewala as on duty from 26-5-98 to 29-10-03 after his accident while on duty, is justified? If not, what relief the workman is entitled to and from which date?"

2. The workman has pleaded in his claim statement that while he was posted as Pointsman (Kantewala) at Jaipur railway station he met with an accident on 17-2-1994 and was hospitalized, who was referred to the SMS Hospital, Jaipur by the railway hospital vide its letter Ex. A-1. After undertaking his treatment at SMS Hospital, Jaipur a letter by the concerned doctor was issued in his favour and the railway hospital had advised for his posting in the light zone. It is further stated that meanwhile he was transferred to Govindgarh Mallikpur and he submitted his representation for its cancellation to the Station Superintendent. It is also stated that he was referred by the Railway Hospital, Jaipur to Jagivan Ram Hospital, Bombay, that a fitness certificate Ex. A-8 was issued by the railway hospital, Jaipur in his favour and that he reported for duty on 26-5-98 before the Railway Manager. He has asserted that he continuously appeared in the office but he was not taken on duty. Therefore, he had to raise an industrial dispute on 24-6-2003 before the Conciliation Officer. It is his averment that he was only taken on duty w.e.f. 7-11-2003. He has urged that he be treated on duty from 26-5-98 to 7-11-2003 and the due salary along with the admissible benefites be granted to him.

3. The non-applicants, in their written counter, disputing the claim have averred that the workman had not met with any accident on 17-2-94, who was continuing as railway sick from 9-9-2004 to 28-9-2004, that he was transferred vide order dated 22-11-94 to Ladpura and on various dates, which find mention at para 1 of the written-counter, he unauthorisedly absented himself from the duty. It is further pleaded that from 26-12-94 to 26-6-98 he was continuously absent, who also represented against his transfer, but his request was delined by the letter dated 22-6-95. By an amended order, he was transferred to Govindgarh and he had moved again for its cancellation. The non-applicants have questioned the genuineness of the documents submitted by the workman and they have averred that the registered notices to join the duty were sent to the workman but he did not report for the duty.

4. On the pleadings of both the parties, the following points for determination were framed:—

I. Whether the workman is entitled to be treated on duty from 26-5-1998 to 29-10-2003 on account of his accident on duty? BOA

II. Relief, if any.

5. In the evidence, the workman has submitted his affidavit and in the rebuttal, the counter-affidavit of MW-1 K.K. Singodiya, Assistant Personnel Officer was placed on the record. Both these witnesses were cross-examined by the respective opposite representative. Both the parties have also led the documentary evidence on the record.

6. I have heard both the parties and have scanned the record. The point-wise discussion follows as under :—

Point No. 1

7. The workman's case is that he met with an accident during the official duty and had undertaken the treatment at various hospitals, who after obtaining the fitness certificate from the railway hospital reported for the duty, but he was declined to join the duty. Contrary to it, the non-applicants' stand is that the workman had not met with any accident while on duty and that he had absented himself unauthorisedly from the duty who was marked absent in the attendance registers.

8. So far as the question that the workman suffered some ailment during his duty is concerned, MW-1 K.K. Singodiya at para 3 of his affidavit has deposed that he sustained a heart attack while he was on duty on 17-2-94, which helps the workman's case. The plea of the workman is also supported by the documents submitted by him, e.g., the railway pass whereby he had undertaken his journey from Jaipur to Bombay along with an attendant for his medical check up. *Vide* duty certificate (fitness certificate) Ex. A-8 he was found fit for duty w.e.f. 22-5-98 and it is rervaled from the letter of the Station Superintendent, Jaipur dated 26-5-98 Ex. A-9 addressed to Sr. Divisional Traffic Manager that he reported for duty on this date before the Station Superintendent. It says that Ghanshyam, Kantewala had remained railway sick w.e.f. 25-12-94 to 22-5-98, who has submitted the duty certificate dated 22-5-98 and who is being sent to you. It has further sought the direction to take him on duty from the Sr. Divisional Traffic Manager, Jaipur. Thereafter the workman had moved an application Ex. A-12 dated 27-5-98 before the Sr. Divisional Traffic Manager, Railway requesting that he sustained a heart attack on 25-12-94 and had been under treatment of the railway hospital and a sickness certificate was issued in his favour from 25-12-94 to 22-5-98 and that he should be taken on duty. *Vide* his letter Ex. A-13 dated 6-7-98 he requested the DRM, Jaipur Division, Jaipur that he had not still received any information as to whether he had to join and that he is continuously reporting for duty at Jaipur railway station. Thereafter on 24-6-2003, *vide* his petition under Section 2-A of the Act he raised an industrial dispute before the Conciliation Officer, Jaipur. He also sent the UPC letters from Ex. A-17 to A-51 before the concerned authority for taking him on duty. On 29-10-2003, he was referred by the Station Suprintendent, Jaipur for medical check up and on 1-11-2003 he was found fit and the certificate Ex. A-55 dated 1-11-2003 was issued in his favour and w.e.f. 7-11-2003 he was allowed to join the duty.

9. Contrary to it, MW-1 K. K. Singodiya has deposed in his affidavit that the workman absented himself from

27-5-98 to 30-10-2003, who was marked absent in the attendance registers the copies thereof Ex. D-2 to D-95 have been placed on the record. He has also stated that between 22-4-95 to 30-10-2003, the workman never reported for duty before the concerned authority and he was absenting himself unauthorisedly from the duty. He has also stated that a notice Ex. D-96 dated 2-11-2001 was issued to him and thereafter the another notice 30-9-2003 was issued, but he did not join the duty.

10. In his cross-examination, this witness has admitted that on 17-2-94, the workman was ill, he was not on duty and that the portion between A to B at para 3 of his affidavit is incorrect. He has also admitted that the copy of the transfer order and the acknowledgement receipt by the workman could not be placed on the record. He then has stated that the notice Ex. R-96 was issued on 1-11-2001 and the another notice Ex. R-97 was issued on 30-9-2003. He has admitted that on account of the absence of the workman no chargesheet was issued against him under the DAR Rules. Admitting the letter Ex. A-9, he has stated that by this letter the duty certificate of the workman was transmitted to the Sr. Division Traffic Manager and the workman has presented this letter before him. On scrutiny of the record the acknowledgement receipts/postcards of notices R-96 and R-97 respectively have not been placed on the record.

11. It, therefore, follows from the aforestated facts that the workman had suffered heart attack on 17-2-94 while he was on duty, as is stated by MW-1, K. K. Singodiya at para 3 of his affidavit. Though he has stated this portion of his deposition as incorrect in his cross-examination, but he could not be able to reply a definite answer to the questions put to him on behalf of the workman on this point. He has also failed to explain that if this portion of his statement was incorrect, then how it was noted in his affidavit. As such, it stands admitted on behalf of the non-applicants that the some heart ailment was developed with workman on 17-2-94 while he was on duty. It is undisputed that the duty certificate Ex. A-8 was issued in his favour whereby he was found fit to join the duty on 22-5-98 and it is further evident from the letter Ex. A-9 that he reported for duty on 26-5-98 before the Station Superintendent. But despite the repeated request made by the workman to the higher authorities neither he was taken on duty nor he was intimated any ground for not taking him on duty. It is also revealed from the perusal of the materials that the workman in order to join the duty put his appearance before the concerned authorities and sent UPC letters Ex. A-17 to A-51, which show that he was present at Jaipur Railway Station and was willing to join his duty, but was declined to join the duty without assigning any good reason for it and no step was taken on behalf of the railway management to convey him the reason for not permitting him to join the duty, which is a sheer negligence on the part of the railway management and it cannot be presumed that the workman had deliberately absented himself from the duty. On behalf, of the railway management, it has been contended that the workman did not present himself for duty and in support of

it the copies of the attendance registers have been produced. But it is abundantly clear from the evidence supra that the management had neither permitted him to join the duty nor had initiated any departmental action against him, if he was considered to be an absentee. It appears that just to save the skin, the departmental authorities have marked him absent in the attendance register without any rhyme and reason. The railway management has also failed to show as to why he was not directed to join the duty at a place when on 26-5-98 he reported for duty before the Station Superintendent. As such, it is established from the aforesaid evidence that the workman sustained heart ailment during his duty, who was not taken on the duty by the railway management, whereas he was continuously presenting himself before them. Therefore, the workman is entitled to be treated on duty from 26-5-98 to 29-10-2003.

12. To sum up, the workman succeeds to satisfy that he had reported for duty on 26-5-98 before the railway authorities and was putting his presence thereafter, but was declined to join the duty without any good reason. As such, this point is decided in favour of the workman and against the non-applicants.

RELIEF

13. For the foregoing reasons, the claim of the workman deserves to be allowed.

14. Resultantly, the reference is answered in the affirmative in favour of the workman and against the railway administration and it is held that the workman is entitled to be treated on duty from 26-5-98 to 29-10-2003 and he is further entitled to get the arrears of his salary and admissible benefits of the period in question. An award is passed in these terms accordingly.

15. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 2005

का. आ. 190.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैन्ट्रल एक्साइज एंड कस्टम डिपार्टमेंट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 88/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-2005 को प्राप्त हुआ था।

[सं एल-42012/188/2004-आई. आर. (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 19th December, 2005

S.O. 190.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 88/2005) of the Central Government Industrial Tribunal/Labour Court Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Excise & Custom Department and their workman, which was received by the Central Government on 19-12-2005.

[No. L-42012/188/2004-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-88/2005.

Reference No. L-42012/188/2004-IR (CM-II)

Sh. Surendra Kumar Parsoia,
S/o Sh. Ghasi Lal Parsoia,
R/o 951, Behind Government Hospital,
Jagatpura Kachi Basti,
Jaipur (Raj.)

.... Applicant

Versus

The Joint Commissioner (Law),
Central Excise & Custom Department,
Central Circle,
Jaipur

.... Non-applicant

PRESENT:

Presiding Officer	: Sh. R.C. Sharma.
For the applicant	: None.
For the non-applicant	: Sh. Tej Prakash Sharma
Date of award	: 21-11-2005

AWARD

1. The Central Government in exercise of the powers referred under Clause D of sub-section 1 to Section 10 of the Industrial Disputes Act, 1947 (for short, 'the Act') has referred the following industrial dispute to this Tribunal for adjudication, which runs as under:—

"Whether the action of the management of Central Excise & Custom Department, Jaipur in terminating the services of workman Sh. Surendra Kumar, S/o Sh. Ghasi Lal w.e.f. 5-7-2002 is legal and justified? If not, to what relief the workman is entitled to and from which date?"

2. The workman in his claim statement has pleaded that he was employed by the non-applicant establishment on 8-5-2001, who continuously worked up to 4-7-2002, but whose service was terminated on 5-7-2002 by the non-applicant management in violation of Section 25-F of the Act. He has also averred that subsequent to his termination, the new appointments have been made by the non-applicant. He has urged that his termination order be declared as illegal and void and he be reinstated in the service with all consequential benefits.

3. On 7-10-2005, the workman had filed his claim statement. Thereafter the case was posted for filing the written statement. But on the consecutive dates i.e. 28-10-2005 and 15-11-2005, none put appearance on behalf of the workman. It was the responsibility of the workman to appear and prove his case by producing the cogent evidence. No reason could be assigned for his non-appearance before the Court. Therefore, the workman has failed to prove his claim.

4. Resultantly the reference is answered in the negative against the workman and in favour of the management and it is held that the termination order dated 5-7-2002 passed against the workman is legal and justified. The claim of the workman is dismissed. An award is passed in these terms accordingly.

5. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 2005

का. आ. 191.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैन्ट्रल नारकोटिक्स ब्यूरो के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 87/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-2005 को प्राप्त हुआ था।

[सं एल-42012/217/2004-आई. आर. (सी-11)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 19th December, 2005

S.O. 191.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.87/2005) of the Central Government Industrial Tribunal/Labour Court Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Narcotics Bureau and their workman, which was received by the Central Government on 19-12-2005

[No. L-42012/217/2004-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JAIPUR

Case No. CGIT-87/2005.

Reference No. L-42012/217/2004-IR (CM-II)

Sh. Tulsiram,
S/o Sh. Laluram Gameti,
Basant Vihar,
Flat No. 335, Hiran Nagri No. 5,
Udaipur

.... Applicant

VERSUS

1. The Office Superintendent,
Central Narcotics Bureau,
Kota (Rajasthan)

2. The Superintendent,
Nivarak Awam Aasoochana Prakoshth,
Central Bureau of Narcotics,
Udaipur

.... Non-applicants

Present:

Presiding Officer : Sh. R.C. Sharma.
For the applicant : None.
For the non-applicants : Sh. T. P. Sharma.
Date of award : 29-11-2005

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-section 1 & 2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial for adjudication to this Tribunal which runs as under:—

“क्या अधीक्षक, केन्द्रीय नारकोटिक्स ब्यूरो, राजस्थान, कोटा/अधीक्षक (नि.) निवारक एवं आसूचना प्रकोष्ठ, केन्द्रीय नारकोटिक्स ब्यूरो, उदयपुर के द्वारा अपने कर्मकार श्री. तुलसी राम पुत्र श्री लालूराम गमेती ड्राइवर कम चतुर्थ श्रेणी कर्मचारी को दिनांक 11-3-1993 से दिनांक 1-1-2003 तक कार्य करने के बाद दिनांक 1-1-2003 से सेवा से बर्खास्त करना न्यायोचित एवं विधि सम्मत है ? यदि नहीं तो कर्मकार अपने नियोजता से किस राहत पाने का अधिकारी है ?”

2. The workman has pleaded in his claim statement that he was engaged as a driver cum 4th Class on 11-3-1993 by the non-applicant Central Narcotics Bureau, who continuously worked upto 1-1-2003, but whose service was terminated w.e.f. 1-1-2003 in violation of Section 25-F of the Act. He has further stated that the non-applicant bureau has also contravened the provisions contained under Section 25-G and 25-F of the Act respectively while terminating his service. He has urged that he be reinstated in the service with other consequential benefits.

3. On 28-10-2005, the non-applicants despite the last opportunity given to them failed to submit the written statement before the Court. On 7-10-2005, the case was posted for filing the written statement, on which date none appeared on behalf of the workman. The case thereafter was fixed for 18-11-2005 and on this date, too, none put appearance on behalf of the workman. Thereafter the case was listed for 28-11-2005 and even on this date neither the workman nor his representative put the appearance before the Court.

4. From the above narration, it is clear that the workman has not appeared before the Court and no explanation could be offered on his behalf for his absence

on these dates. It was the bounden duty of the workman to appear before the Court and to prove his claim by adducing the evidence before the Court, which he has failed to discharge. Therefore, his claim deserves to be rejected.

5. Accordingly, the reference is answered in the negative against the workman and it is held that the termination order dated 1-1-2003 passed against the workman is legal and justified and the claim of the workman is dismissed. An award is passed in these terms accordingly.

6. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 192.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार सीमेनस प्रोविडेंट फंड कमिशनर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-I, मुम्बई के पंचाट (संदर्भ संख्या 65/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-2005 को प्राप्त हुआ था।

[सं एल-41012/71/2002-आई. आर. (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 19th December, 2005

S.O. 192.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 65/2003) of the Central Government Industrial Tribunal/Labour Court-I, Mumbai now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Seamen's Provident Fund Commissioner and their workmen, which was received by the Central Government on 19-12-2005

[No. L-42012/71/2002-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, MUMBAI

PRESENT: JUSTICE GHANSHYAMDASS,

Presiding Officer

REFERENCE NO. CGIT 65 OF 2003.

Parties: Employers in relation to the management of
Seamen's Provident Fund Commissioner

AND

Their workmen

Appearances:

For the Management : Shri Ajay Thomas, Adv.

For the workman : Shri J.P. Sawant, Adv.

State : Maharashtra

Mumbai, dated, the 1st day of December, 2005.

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi, order No. L-42012/71/2002-IR (C-II) dated 14-11-2003. The terms of reference given in the schedule are as follows:

SCHEDULE

"Whether action of the Seamen's Provident Fund Commissioner in terminating the services of the workman Shri Nilesh M. Mahadeshwar, Junior Assistant w.e.f. 21-4-1994 is legal and justified? If not, to what relief the workmen is entitled?"

2. The case of workman Shri Nilesh M. Mahadeshwar as set out in the Statement of claim is that he was appointed as Junior Assistant w.e.f. 25-4-94 vide appointment letter No. 11/138/94 dated 15-4-1994 issued by the Commissioner of the Management of Seamen's Provident Fund Commissioner, Mumbai (hereinafter referred to as Management). He was in service. However, vide letter No. 11/2376/94 dated 21-10-1994 issued by the Administrative Assistant, Accounts Officer the services of the workman was terminated w.e.f. the said date i.e. 21-10-94. He alleged that after his termination, other persons were employed by the management but he was neither reinstated nor kept in service. It is alleged that the termination is in violation of the provisions of the Industrial Dispute Act and also Order No. 13 of Model Standing Orders (Central Schedule 1) prescribed under the Industrial Employment (Standing Orders, Act 1946) since the workman was neither issued one months notice nor paid one months pay in lieu thereof. He further alleged that the management contravened the provisions made under 66 of the Bombay Shops and Establishment Act, 1948 as the notice of at least 14 days was not issued to the workman while terminating the services. The provisions of Section 25-H of the Industrial Dispute Act have also been violated by the management. Lastly, the management violated the provisions made under Regulation 6 and 8 of the Seamen's Provident Fund (Staff and Conditions of Service) Regulations, 1972 and that the management did not follow the principles of natural justice while terminating by way of victimization and indulging in unfair labour practice.

3. The management filed written statement. There is no dispute about the facts regarding the date of

appointment order and date of termination. The admitted position is that termination is being done without assigning any reason or without issuing any notice or paying one month's salary thereof for issuing notice for 14 days or any notice whatsoever. The termination is contended to be legal and proper in view of the matter that the appointment of the workman was for a fixed period i.e. for six months as mentioned in the appointment letter itself and he was terminated just before the expiry of the aforesaid period of six months. He was not a permanent employee nor he remained in service after the period of six months was over. There was no question of any violation of any law whatsoever and the workman is not entitled to any relief.

4. The workman filed his own affidavit as a piece of evidence. He reiterated his claim as set out in the Statement of claim. There is nothing material in his cross-examination. He has admitted that his father Mr. Mahadeshwar was Superintendent in the Office of the Seamen's Provident Fund Commissioner.

5. The management filed affidavit of Shri Dhansuklal Ranchodbhai Gandhi as a piece of evidence in the capacity of Office Superintendent. During his cross-examination he admitted that the workman was not on the regular muster roll but on a temporary muster. He admitted that no notice whatsoever prior to termination was ever issued to the workman.

6. The documents consisting of appointment letter as well as termination letter and the representation made by him with a reply thereof and certain other documents had been filed by the workman vide list dated 6-1-2004.

7. I have heard the learned counsel for the parties and gone through the record. prior to adjudicating the matter on merits, I would like to mention that the government had earlier refused to make the reference under Section 10 of the Industrial Dispute Act on the ground of laches and delay on the part of the workman. This order was challenged in the High Court of Bombay by W.P. No. 160 of 2003. The writ petition was decided by the Honourable High Court of Bombay in favour of the petitioner on 8-8-2003 and the Government was directed to make reference to the Industrial Tribunal. In this back ground the government made the instant reference.

8. The only controversy which required the foremost consideration in this reference is as to whether the termination of the workman can be said to be legal and justified without compliance of the provisions of Industrial Dispute Act, Order No. 13 of Model Standing Order (Central Schedule 1) prescribed under the Industrial Employment (Standing Orders Act 1946), Regulation 6 and 8 of the Seamen's Provident Fund (Staff and Conditions of Service) Regulations, 1972 and provisions made under 66 of the Bombay Shops and Establishment Act 1948. The admitted position is that no notices whatsoever under any provisions of law was ever issued to the workman prior to his

termination. It is also admitted position that appointment was made for a period of six months and the service could be terminated without assigning any reason. The appointment letter reads as follows :

MEMORANDUM

"Shri Nilesh M. Mahadeshwar is hereby appointed as a Jr. Assistant in this Organisation w.e.f. 25-4-1994 (F.N.) in the scale of Pay of Rs. 1200-30-1440-EB-1800. Besides the grade pay he will be entitled to allowances as applicable to the employees of the Organisation as laid down under Section 7(6) of the Seamen's Provident Fund Act. Discipline and other conditions of his services shall be such as specific from time to time as in the Seamen's Provident Fund (Staff and Conditions of Service) Regulation, 1972.

His appointment is purely provisional for six months and conditional to :

- (i) Showing aptitude to work;
- (ii) Punctuality in attendance and
- (iii) Devotion to duties.

His appointment is also subject to his being found physically fit by the Government Doctor. He will also furnish two Character Certificates from amongst responsible persons known to him but not related. The undersigned may, at any time terminate his services without assigning any reason.

(C.R. Neelakantan)
Commissioner

9. On a plain reading of the appointment letter quoted above, it is clear that the appointment of the workman was purely provisional for six months and the undersigned (Commissioner) may at any time terminate the services without assigning any reason.

10. In this background, I do not find any fault with the termination of the workman. The controversy appears to have set at rest by the Hon'ble Supreme Court as mentioned below :

11. In AIR 1996 Supreme Court 1001 the State of Rajasthan v/s. Rameshwar Lal Gahlot, the Hon'ble Supreme Court while interpreting Section 25-F and Section 2(oo)(bb) held that termination is not retrenchment and not illegal unless it is malafide. The provisions of Section 25-F did not apply, after referring the earlier case of Venugopal vs. Divisional Manager, LIC (1994) 2 SCC 323 and quoting as; "Therein this court had held that once an appointment is for a fixed period Section 25-F does not apply as it is covered by clause (bb) (00) of the Act. It is contended for the respondent that since the order of the learned single judge was not challenged, the termination became final. Consequently, the appellant would be liable to pay back wages on reinstatement. In our considered view, the opinion expressed by learned single Judge as

well as Division Bench are incorrect in law. When the appointment is for a fixed period, unless there is finding that power under clause (bb) of Section 2 (00) was misused or vitiated by its malafide exercise, it cannot be held that the termination is illegal. In its absence, the employer could terminate the services in terms of the letter of appointment unless it is a colourable exercise of power. It must be established in each case that the power was misused by the management or the appointment for a fixed period was a colourable exercise of power. Unfortunately, neither the learned single Judge nor the Division Bench recorded any finding in this behalf. Therefore, where the termination is in terms of letter of appointment saved by clause (bb), neither reinstatement nor fresh appointment could be made."

12. In the case reported in AIR 2002 Supreme Court 300 M/s. Kalyani Sharp India Ltd v. Labour Court No. 1, Gwalior and another the Hon'ble Supreme Court held that where the terms of employment providing that if services of employee were not satisfactory it could be put to an end and the service was terminated before the expiry of probationary period without issuance of prior notice, the termination did not amount to retrenchment nor it can be said to be illegal.

13. In AIR Supreme Court 2681 Harmohinder Singh v. Kharga Canteen, Ambala Cantt., clause (c) the Hon'ble Supreme Court held that the provisions of retrenchment of workmen were not to be complied within the cases where termination takes place on expiry of contract, reason being definition of retrenchment which excludes contract of service for fixed term. In (1997) 11 Supreme Court Cases 521 Escorts Limited vs. Presiding Officer and another the Hon'ble Supreme Court held that if the terms of appointment enabling the employer are there to terminate the service at any stage without assigning any reason, the termination of service under the said terms even though effected before the expiry of the specified period did not amount to retrenchment and did not attract Section 2(00)(b), 25-F and 25-G of the Industrial Disputes Act.

14. In recent case not reported so far but taken on line through Internet, the Hon'ble Supreme Court in the case of **Kishore Chandra Samal vs. The D.M. Orissa State Cashew Development Corp. Ltd.** held that where the petitioner was employed as a typist on daily wages for fixed period and the period extended from time to time but this specific period was mentioned on all orders of engagement, such type of engagement was for a fixed period and hence the provisions of Section 25-F of the Industrial Disputes Act were not attracted. The termination was therefore, justified and order of reinstatement passed by the Division Bench of Orissa High Court was set aside.

15. In the case of **Nilajkar & Ors. v. Telecom District Manager, Karnataka** 2003 11 CLR 233, the Hon'ble Supreme

Court held that the workers had been engaged in a project and for want of proof of attracting applicability of Section 2 (00)(bb) the termination must be held to be retrenchment. In this case, the termination was said to be retrenchment for want of proof of applicability of Section 2(0) (bb) and hence the case was held to be covered by Section 25-FFF.

16. Keeping in mind the settled legal position in view of the judgments of the Hon'ble Supreme Court (*supra*) this much is clear that the termination can be said to be legal and justified even if without issuance of any notice under any provisions of law if the appointment is being made for a fixed period.

17. In the case in hand, this much is very very clear that the appointment was for a fixed period of six months only. The termination could be made without assigning any reason. The period originally employed was never extended. It came to an end after six months vide termination letter issued by the management. There is no illegality at all in it. The management was not obliged to issue any notice either under the provisions of I.D. Act or Order No.13 of Model Standing Orders (Central Schedule 1) prescribed under the Industrial Employment (Standing Orders Act 1946), Regulations 6 and 8 of the Seamen's Provident Fund (Staff and Conditions of Service) Regulations, 1972 and provisions made under 66 of the Bombay Shops and Establishment Act, 1948. There was no necessity of issuing one month's notice or make payment thereof as provided under the I.D. Act nor there was necessity for issue of 15 days notice as provided under Bombay Shops and Establishment Act 1948 nor there was any question of compliance of Model Standing Order or the provisions of Seamen's Provident Fund Commissioner. The workman was not held to be in continuous service of the management. There was no malafide on the part of management. The management was empowered to terminate the service without assigning any reason and it was rightly done in the instant case.

18. The ruling relied upon by the learned counsel for the workman reported in 1996 11 LLJ 820 between **Central Bank of India vs. V. Satyam and others** is not applicable and helpful to the workman in view of the facts and circumstances of the present case and the legal position referred to above.

19. In view of what has been discussed above, I conclude that the action of the Seamen's Provident Fund Commissioner in terminating the services of the workman **Shri Nilesh M. Mahadeshwar, Jr. Assistant w.e.f. 21-4-1994** is legal and justified. The workman is not entitled to any relief.

20. The reference is accordingly answered in affirmative.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 2005

का.आ. 193.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सार्दन रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या सी आर-107/87, 108/87, 142/87, 145/87, 146/87 एवं 22/88) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-2005 को प्राप्त हुआ था।

[सं.एल-41012/24, 28, 31, 33, 34, 36/86-आई आर (बी I)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th December, 2005

S.O. 193.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (CR No. 107/87, 108/87, 142/87, 145/87, 146/87 and 22/88) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Southern Railway and their workman, which was received by the Central Government on 19-12-2005.

[No. L-41012/24/86-IR (B-I), L-41012/28/86-IR (B-I), L-41012/31/86-IR (B-I), L-41012/33/86-IR (B-I), L-41012/34/86-IR (B-I), L-41012/36/86-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, BANGALORE**

Dated: 8th December 2005

PRESENT:

SHRI A.R. SIDDIQUI: Presiding Officer

C.R. No. 107/87**I PARTY**

Shri R. Rajendran,
S/o Rathnam,
No. 111, 3rd Cross,
Prakash Nagar,
BANGALORE-21.

II PARTY

Divisional Railway Manager,
Southern Railways
Bangalore City Railway
Station, BANGALORE

COMMON AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* order. No. L-41012/31/86-D. II (B) dated 22-5-1987 for adjudication on the following schedule:

SCHEDULE

"Whether the management of Southern Railway is justified in terminating the services of Shri R. Rajendran w.e.f. 16-5-1984? If not, to what relief the workman is entitled?"

C.R. No. 108/87**I PARTY**

Shri Ranga,
S/o Dasappa,
No. 158, Swathanth-
Nagar, Srirampuram,
BANGALORE-21.

II PARTY

Divisional Railway Manager,
Southern Railways
Bangalore City Railway
Station, BANGALORE

COMMON AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* order. No. L-41012/24/86-D. II (B) dated 22-5-1987 for adjudication on the following schedule:

SCHEDULE

"Whether the management of the Southern Railway is justified in terminating the services of Shri Ranga w.e.f. 16-5-1987? If not, to what relief the workman is entitled?"

C.R. No. 142/87**I PARTY**

Shri P. Changalrayan,
S/o Loganathan,
No. 97, 3rd Cross,
Prakash Nagar,
Bangalore-21

II PARTY

Divisional Railway Manager,
Southern Railways
Bangalore City Railway
Station, BANGALORE

Shri K. Ramanaiah,
S/o Vengaiyan,
No. 279, 9th Cross,
Prakash Nagar,
Bangalore-21

Shri Palani, A,
S/o K.M. Annamali,
Balegowda Compound,
1 Main, Depanjali Nagar,
69th Cross Mysore Road,
Bangalore-21

Shri K. Gangadharan,
S/o Kalimuthu,
No. 158, Swathanthnagar,
Bangalore-21

Shri S. Murthy,
S/o Subramany,
Major, No. 215, 6th Cross,
Prakash Nagar,
Bangalore-21

Shri Ravi R,
S/o K. Raju,
No. 44/2, Metadahalli,
Bangalore-32

Shri Krishnamurthy, V,
S/o Veeraswamy,
No. 1538, Mariyappanapalyam,
Srirampura, Bangalore-21

Shri Devan. P,
S/o Periappa,
No. 140, II Main Road,
Ramachandrapuram,
Srirampuram,
Bangalore -21.

Shri R. Selva,
Since dead rep by his LRs,
Smt. Julian Mercy, Wife,
S. Rajesh, Son,
S. Shalini, Daughter,
No. 135 D, New Railway Quarters,
New Vasanthnagar Post Office,
Bangalore -52.

COMMON AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-41012/28/86-D. II (B) dated 25-8-1987 for adjudication on the following schedule:

SCHEDULE

"Whether the management of the Southern Railway is justified in terminating the services of nine workmen (as shown below) w.e.f. 16-5-1985 is legal and justified? If not, to what relief the workman is entitled?"

S/Shri P. Changalarayan, K. Ramanaiah, A. Palani,
K. Gangadharan, S. Murthy, R. Ravi,
V. Krishnamurthy, P. Devan, Selva.

C.R. No. 145/87

I PARTY

Shri. T. Venkatesh,
S/o Thammayya,
No 276-L, M.G. Railway
Quarter, Bangalore-21

II PARTY

Divisional Railway Manager,
Southern Railways,
Bangalore City Railway
Station,
Bangalore.

COMMON AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-41012/34/86-D. II (B) dated 25-8-1987 for adjudication on the following schedule:

SCHEDULE

"Whether the management of the Southern Railway is justified in terminating the services of T. Venkatesh w.e.f. 16-5-1984? If not, to what relief the workman is entitled?"

C.R. No. 146/87

I PARTY

Shri B.V. Srinivasalau
S/o Venkataswamy,
No. 21-8, 1st Cross,
II Main Road,
Prakashnagar,
Bangalore -21.

II PARTY

Divisional Railway Manager,
Southern Railways,
Bangalore City Railway
Station, Bangalore.

COMMON AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-41012/36/86-D. II (B) dated 2-9-1987 for adjudication on the following schedule:

SCHEDULE

"Whether the management of the Southern Railway is justified in terminating the services of Shri Srinivasalu w.e.f. 16-5-1984? If not, to what relief the workman is entitled?"

C.R. No. 22/88

I PARTY

Shri N. Rajendran
S/o Natarajan,
No. 4th Block,
Rajajinagar
Bangalore -10

II PARTY

Divisional Railway Manager,
Southern Railways
Bangalore City Railway
Station, Bangalore.

COMMON AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-41012/33/86-D. II (B) dated 12-5-1988 for adjudication on the following schedule:

SCHEDULE

"Whether the management of the Southern Railway is justified in terminating the services of Shri N. Rajendran w.e.f. 12-5-1988? If not, to what relief the workman is entitled?"

2. The aforesaid first party workmen and the deceased R. Silvan, one of the first party workmen in CR No. 142/87, approached the High Court in Writ Petition Nos. 13339 to 13350, 13593 of 1984 with a prayer of issue of direction to the Second party management to reinstate them in service and pay them full wages from the date of their alleged termination. During the pendency of these Writ Petitions, the workmen alleged that they have not been paid wages for a period of 13 months and to that learned management advocate agreed to pay the wages to each workmen for the actual number of days worked as evident from the muster rolls. The learned single judge noting this admission disposed off the above said writ petitions with a liberty to the workmen to raise an Industrial Dispute under Section 10(1) of the ID Act and to receive

the wages for 13 months from the management. The workmen raised the dispute resulting into the failure report of the conciliation officer and thereupon the above said references to this tribunal.

3. During the course of trial, the workmen, filed applications for grant of interim relief and they being allowed, they were getting the interim relief regularly till the reinstatement. The workman, Shri R. Selvan since died during the pendency, his legal representatives have been brought on record.

4. After due trial of the case and after having heard the learned counsels for the respective parties on oral and documentary evidence produced by them, my learned predecessor by his common award dated 1-3-99 allowed the references on hand by passing the following order:—

ORDER

"The Second party are not justified in terminating the services of the workmen who are involved in respective cases. Therefore, the termination is set aside. Since the Second party is also found not following the mandatory provisions contained under Section 25F of the Act, the workmen are eligible for reinstatement, continuity of service and back wages. Since they have reached age which made them ineligible for the appointment, for the purpose of this case their age shall be taken on the date they have first worked and they shall be provided a suitable employment in accordance with rules governing the Second party.

As it relates to the workman Silvan in CR No. 142/87 the legal representatives are represents him due to his death on 2-4-1989. The order of reinstatement in his case is not possible. He has left his wife a son and a daughter. The benefit of back wages shall be paid in equal proportion to the wife and children. If the children are minor the amounts shall be deposited in a schedule bank making their mother as guardian. Any one of the member shall be appointed to a suitable post on compassionate grounds.

The Second party are entitled to make necessary deductions for the money paid by them towards wages for 13 months and interim relief that they are paying to the First party throughout."

5. Aggrieved by the above said award passed by this tribunal, the management challenged it in Writ Petition Nos. 23812-23825/99 and his Lordship of our Hon'ble High Court after hearing the learned counsels representing the respective parties remanded the matter back to this tribunal by passing the following order:—

ORDER

- I. The Writ petitions are allowed. The impugned award passed by the Labour Court dated 1-3-99 is quashed.
- II. The entire matter is remitted back to the Labour Court for adjudication in accordance with law

by affording opportunity to the parties to lead evidence if any and after hearing them, in light of the observations made above.

III. The respondents who are working now will continue to work and their reinstatement is subject to the result of the dispute to be adjudicated by the Labour Court.

IV. In view of the fact that the dispute is pending for the last 20 years, the labour court shall take it up of out of turn and dispose it expeditiously, at any rate within six months from today.

V. No order as to costs.

6. Before the remand of the case, proceedings in all the above said reference cases were clubbed and common evidence was recorded in C.R. No. 108/87. All the workmen had examined themselves including the LR of deceased, R. Silva as WW1 to WW12 and got marked documents at Ex. W1 to W16. The management on its part examined the then Assistant Personnel Officer by name Shri C.R. Rangaraj as MW1 getting marked 5 documents at Ex. M1 to M5.

7. Since all these workmen have taken the common stand and reiterated averments common to each other in their respective claim statements raising facts and the question of law almost similar, to avoid the repetition, the common case made out by the First party workmen is brought on record as under:—

It is the case of the workmen that they have been appointed as substitutes/Khalasi's on a pay scale of Rs. 196—232 per month. They are under control of CTXR/BYPL, against the existing vacancies w.e.f. the respective date of appointments as shown in the chart annexed. They worked continuously, uninterruptedly and to the utmost satisfaction of the management from the date of their respective appoints but the management all of a sudden stopped their services w.e.f. 15-5-1984 without assigning any reason. They further contended that they worked continuously for more than 13 months which is more than 240 days in a period more than 12 calendar months therefore, the non compliance of mandatory provisions of Chapter V-A and V-B of ID Act read with Section 25F thereof by the management before terminating the services of the workmen amounts to retrenchment and the termination is a nullity in the eye of law. Therefore, they are entitled for reinstatement, continuity of service, backwages and other reliefs. The chart given by the first party workmen is as under:—

CHART

Name-S/Shri	Date of appointment	Date of passing of medical exam	Date of termination
P. Changalarayan	6-4-1983	11-5-1983	15-5-1984
N. Rajendran	6-4-1983	11-5-1983	15-5-1984

Name-S/Shri	Date of appointment	Date of passing of medical exam	Date of termination
R. Rajendran	6-4-1983	11-5-1983	15-5-1984
A. Palani	6-4-1983	11-5-1983	15-5-1984
Ranga	20-4-83	26-7-1983	15-5-1984
C. Gangadharan	20-4-83	26-7-1983	15-5-1984
S. Murthy	20-4-83	26-7-1983	15-5-1984
R. Ravi	20-4-83	26-7-1983	15-5-1984
B. V. Srinivasulu	20-4-83	26-7-1983	15-5-1984
V. Krishnamurthy	20-4-83	26-7-1983	15-5-1984
P. Devan	20-4-83	26-7-1983	15-5-1984
Venkatesh	20-4-83	26-7-1983	15-5-1984
Selva	20-4-83	23-6-1983	15-5-1984
Ramanaiah	20-4-83	21-6-1983	15-5-1984

8. The case of the management on the other hand as made out its Counter Statement again with a common stand in all the cases is that these workmen have not been appointed in any capacity under the management. The appointment orders produced by the first party workmen said to have been signed by said Shri C. Rangaraj are forged and created one and that the matter was under investigation by the Railway Vigilance Commission into the alleged forgery of the aforesaid documents namely, the appointment orders produced by the workmen. All the averments made in the Claim Statement also were denied by the management as false and that the reliefs sought for them are not to be granted.

9. During the course of trial, keeping in view the respective pleadings of the parties, this tribunal on 16-7-87 framed the following additional issue:—

“Whether the First party workmen proves that they have been employed by the Second party as contended by them?”

Again on 21-9-1987 one more additional issue was framed as under:—

“Whether the First party workmen committed fraud as alleged in the Counter Statement?”

10. Therefore, in the light of the above, before answering the points of references it will be proper to answer and record findings on the aforesaid two additional issues as per the observations and direction given by the Hon'ble High Court in the aforesaid Writ Petitions while remitting the matter back to this tribunal.

11. Learned counsel for the management vehemently argued that the appointment letters at Ex. M1 and M3, the basis for the claim of the First party workmen are not appointment orders issued by the competent authority and that they are created and forged one. He contended that

fact that there was no application by any of the workmen seeking appointment much less against any vacancy advertised by the management and that they did not claim wages for a substantial period of 13 months they said to have worked all along must make it abundantly clear that their appointments were fake appointments not giving any legal right to them to challenge the action of the management in stopping them to work and to claim the reliefs sought for. In support of his argument that Ex. M1 & M3 are forged documents not issued by the then Personnel Officer, namely, Shri C. Rangaraj. Learned counsel took the court through the statement of said Shri C. Rangaraj before this tribunal examined as MW1. Wherein he disowned his signatures on Ex. M1 & M3 and the fact that he issued such appointment letters in favour of the workmen. He also took the help of the admitted signatures of MW1 on Ex. M2, M4 and M5 to compare with his disputed signatures on Ex. M1 and M3 to point out that they are not one and the same. His next contention was that if at all the workmen were to be appointed, they must have undergone medical test well before the appointment orders and not subsequent to joining the services as claimed by the workmen. He then question statement of WW13, the then Chief Trainer Examiner, Byapanahalli, Bangalore on the ground that his testimony is not worth reliable, he being a partisan witness favouring the case of the workmen for the reason best known to him. He also contended that under the rules framed by the management, the workmen should have been conferred with the 'temporary status' for having worked for a period 120 days but they did not do so as their appointment was not by the competent authority.

12. Whereas, learned counsel for the First party argued that keeping in view of the fact that the workmen have admittedly worked under the management for a period of 13 months and that the management paid the wages to each of the workmen under the direction of the Hon'ble High Court, it has to be presumed that they worked under the proper and valid appointment orders issued by the competent authority and it is now for the management to show that those appointment letters at Ex. M1 & M3 were the fake and forged letters which burden has not been discharged by the management much less offering the explanation as to who in fact forged those documents. He submitted that Ex. M1 & M3 are the documents of the management itself and it is for the management to substantiate as to under what circumstances they have come in existence, particularly, in view of the contention of the management that the forgery matter has been seized by the Vigilance Commission but no vigilance report is forthcoming. He contended that a close perusal of the signatures at Ex. M1 and M3 being compared with the admitted signatures of MW1 on Ex. M2, M4 and M6 would make it very clear that they are very similar in nature and are the signatures by one and the same person namely, MW1. He also took the court through various documents at Ex. W1 to W16 and that the court Exhibits at Ex. C1 to C14 including the muster rolls, extract of attendance register and the free passes issued to each of the workmen by the

railway department of the management. In support of his contention that all these records could not have been created and fabricated by the poor illiterate workmen on the basis of alleged forged documents hoodwinking the officers under whom they worked for a long period of 13 months. He also took the support of the statement of WW13, an independent witness examined on behalf of the workmen under whom they worked during the aforesaid period and who issued the documents at Ex. W2 to W10 and W15 and also was the author of the aforesaid extract of attendance register at Ex. C1 to C14. He submitted that there is no reason for this tribunal not to act upon the testimony of WW13 particularly in the absence of any suggestion made in his cross examination attributing any motive against him for giving evidence in favour of the workmen. He ridiculed the suggestion made to WW1 that Ex. M1 & M3 were concocted by him and others with the collusion of WW13 particularly when no such suggestion was made to WW13 himself in that behalf. He nextly contended that even for the sake of argument if it is taken granted that those orders at Ex. M1 & M3 are not made by the competent authority then again the workmen must succeed in seeking the relief of reinstatement and other reliefs. They having worked for a period of 240 days and more admittedly during the above said period of 13 months, as they have been terminated from service in violation of provisions of Section 25 F of the ID Act. He submitted that though the matter has been remanded back to this tribunal mainly for the reason that there was no finding given by this tribunal on the aforesaid two additional issues, the management has failed to discharge the burden placed on it on second additional issue with regard to the forgery of the documents.

13. After having gone through the records, I find substance in the arguments advanced for the workmen. Before answering the points of references as noted above, I would like to record the findings on the aforesaid two additional issues and answer the first issue in the Affirmative and the second issue in the negative for the following reasons :—

REASONS

As noted above, earlier to the remand, the workmen have examined themselves as WW1 to WW12 including the wife of the deceased R. Selvan and got marked 16 documents. Whereas, the management examined said Shri C. Rangaraj as MW1. After the remand the workmen have filed their additional affidavits by way of further evidence and examined said witness, WW13. WW1 was cross examined by the management counsel and he adopted his statement in cross examination for all other workmen. No additional oral or documentary evidence was produced by the management after the remand. In their cross examination chief all the first party workmen and the wife of the said deceased R. Silva have spoken in one voice and the gist of their evidence is that they have been appointed as Khalasis by the Divisional Personnel Officer, Srikantan on the various dates referred in the said chart and they were asked

to work under CTXR Nityanandan (WW13) who was the Chief Train Examiner. The other train examiners under whom they worked were Muniswamy, Mohan, Yusuf, Gopalakrishna and Alfred Devis who were supervising their work. They have stated that they were provided with free train passes which used to be given to any workmen under railways who worked more than 120 days continuously. They stated that after they rendered a continuous service of about 13 months their services are terminated by oral instructions and that they have not been paid wages from the date of their joining till they were terminated from service. In their additional affidavits they have stated that as per the statement of MW1, Ex. M1 & M3 have been obtained from the vigilance department and that goes to say that they are the orders from the Office of the Divisional Personnel Officer of the Management. They have also stated that 15 days prior to their appointment same DPO office has appointed 4 persons by name Tavamani, Manjunath, Shekar and Munirathnam as Substitute Khalasis and that shows that there was a valid sanction from the General Manager or higher officials for the appointment of Substitute Khalasis. In the cross examination of these witnesses, the management put several suggestions disputing the alleged appointment orders and train passes but they were denied by the workmen. However, it was elicited from their mouth that they did not have the copy of their applications seeking the appointment. In his further cross examination WW1 denied the suggestion for the management that he and others have forged the documents of appointment getting their name entered to the muster roll with the collusion of the Chief Train Examiner (WW13). It was elicited from his mouth that he has not received any separate order other than Ex. M1 from DPO giving them the status of temporary employee. He denied the suggestion for the management that Ex. M1 & M3, appointment orders have been obtained with the collusion of Chief train Examiner and on the basis of Ex. M1 & M3, he entered their names to muster roll.

14. The management witness, the then Assistant Personnel Officer in Bangalore Division in his examination chief stated that he has not issued any appointment order to these workmen. He denied the signatures found in Ex. M1 and M2 (it ought to have been M3), which are in the nature of appointment orders. He relied on two documents at Ex. M4 & M5, the promotional orders only to show that signatures on those documents are his signatures and they are different from the signatures found on Ex. M1 and M3. In his cross examination he has admitted that a casual workman appointed by the competent authority attains temporary status having worked continuously for 120 days and that he gets passes and medical benefits. He also stated that Khalasis and Substitutes are recruited from open market. Now therefore, in the light of the above, the first question to be determined by this tribunal would be "whether the workman prove that they have been employed by the management as contended by them vide first additional issue". The fact that first party workmen have been in the employment of the management during the

above said 13 months continuously has been very much admitted by the management itself and that fact also has been proved by the various documents produced by the workmen in the form of free passes, the medical test they have undergone after joining the service, the extract of attendance registers and muster rolls marked before this tribunal at Ex. W1 to W16 and court exhibits C1 to C14, respectively. It is no where the case of the management that the workmen were not under the employment of the management during the above said 13 months period and this fact also could not have been denied by them for having paid wages of 13 months to each of the workmen on the basis of actual working days in pursuance to the undertaking made by the management before the High Court in the aforesaid writ petitions. Therefore, keeping in view the oral as well as documentary evidences produced by the workmen and the fact undisputed that they were in the service of the management, there cannot be any hesitation in the mind of this tribunal to come to the conclusion that the first party workmen have proved their employment under the management as contended by the them in claim Statement based on which the above said first additional issue was framed.

15. Now coming to the second issue, the burden heavily and primarily cast upon the management to establish that the first party have committed fraud as alleged in the Counter Statement. The management in order to substantiate this fact, mainly, relied upon the statement of MW1 wherein he disowned his signatures on Ex. M1 & M3 and the fact that he issued those appointment letters in favour of the workmen to show that Ex. M1 & M3 are forged documents, the management further relied upon his statement that the signatures found on Ex. M1 & M3 are different from his admitted signatures on Ex. M2, M4 and M5. It was well argued for the first party workmen that above said statement of MW1 is not worth credence in as much as the signatures found on Ex. M1 & M3 are quite similar to the signatures found on Ex. M2, M4 and M5. Learned counsel for the workmen requested this tribunal to compare those signatures to find out the truth. On the perusal of the aforesaid documents, I do find substance in the arguments for the workmen that signatures on Ex. M1 and M3 and the signatures on Ex. M2, M4 and M5 are quite similar which must have been signed by one and the same person. To one's naked eye it can be seen that signatures found on all the said five documents are quite identical and similar to each other. In his examination chief itself MW1 stated that Assistant Personnel Officer or Assistant Officers who have the approval of Divisional Railway Manager or the appointing authority for Khalasis. To question No. 12 he admitted that Ex. M4 and M5 are the orders issued by him. To question No. 32 he says that he was entrusted with the work of staff matters and during the period from November 1983 to 15-5-84 he has not issued any order appointing Khalasis in the Mechanical division. To question No. 33 he admitted that staff matters mean appointments, promotions, transfers, reinstatements etc, and that he was incharge of these matters of Mechanical, electrical and Civil

Depts. Therefore, when he was the incharge of the department under which the first party workmen were working and he issued the promotional orders at Ex. M4 and M5 he cannot now turn around and say that he has no power of appointment and has not issued the appointment letters at Ex. M1 & M3. It was rightly argued for the workmen that the documents at Ex. M1 and M3 which are the Xerox copies of the original orders having been produced by the management itself, it was for the management alone to establish before this tribunal that they are the forged documents. No evidence is produced to suggest that they are the forged documents and they have been forged by some authority with the collusion of first party workmen. It is only during the course or cross examination of WW1 made after the remand, a suggestion was put to him that he with the collusion of WW13 got Ex. M1 & M3 forged and created. Such a suggestion was not made by any of the workmen when they were subjected to cross examination before the matter was remanded. Moreover, it is interesting to note that such a suggestion was made to WW1 but no such suggestion was made to WW13 himself when he was cross examined by the management. That apart if we pursue the statement of WW13 under whom admittedly the workmen were working at the relevant point of time, it can be very well found out that the theory of forgery propounded by the management is just a make belief story to defeat the case of the workmen. WW13 in his examination chief in very unequivocal words stated that as per Ex. M1 and M3, 14 persons named therein have worked under him and Ex. M1(b) on Ex. M1 bears his signature. He stated that he received Ex. M1 & M3 from divisional personnel office and copies have been sent to the authorities concerned as marked therein. He then stated that all the 14 first party workmen have been appointed as against the vacancies shown in Ex. W11 original of which was marked at Ex. W11(a) produced by the management bearing his signature. He also deposed that Ex. W2 to W10 (free passes) & W15 are under his signature. He then stated that 15 days prior to the appointment of the first party workmen, 4 others namely Tavamani, Manjunath, Shckhar and Munirathnam were appointed as Khalasis by the Management. In his last sentence of examination chief he stated that court documents at Ex. C1 to C14 bear his signatures. The above said statement of WW13, an independent witness still in the service of the management remains to be unshaken in his cross examination except to elicit from his mouth that he has not enquired under whose signature Ex. M1 & M3 issued and that he prepared the muster rolls and attendance registers without verifying and confirming the appointments under those documents. No material suggestion was made to him denying his statement in examination chief. As noted above, in fact no suggestion was made to WW13 that he created Ex. M1 and M3 with the collusion of workmen though such a suggestion was made to WW1 as noted above. Therefore, if we go by the statement of WW13 who is impartial and independent witness, that too still in the service of the management, there cannot be any doubt to suggest that these

appointment letters at Ex.M1 & M3 have been issued by the competent authority based on which the workmen worked with the management for a sufficient long period of 13 months without there being any action taken by the management against them on the ground that they were not the employees of the management. It is the case of the management as has come in the statement of MW1 the Railway Vigilance Commission is seized of the matter with regard to the forgery of Ex.M1 & M3. As on to date the management was not in a position to point out as to what happened to the said vigilance enquiry and what were the result of the said enquiry. As long back as 1984 itself the workmen have approved the High Court basing their claim on the appointment letters at Ex.M1 & M3. Now almost a decade has passed but nothing is to be heard from the management as to what enquiry was done in the matter and as to who was held responsible for forger of the said documents. Therefore, the claim of the management that Ex.M1 & M3 are forged documents has got absolutely no basis. The contention of the management that the workmen should have undergone medical test before entering into service again is no substance. The fact that the workmen had undergone medical test after joining the services at the instance of the management must falsify the said contention. Its contention that the workmen could not have kept quiet in claiming wages for about 13 months if they were appointed under valid orders again deserves no merit. It has come in the statement of WW13 that too elicited from his mouth in cross examination that he had been sending the muster rolls claiming the salary of the workmen. Therefore, if the workmen were not paid any wages despite sending the the muster rolls by WW13 who was their immediate boss, they cannot be blamed for any laches on their part in not claiming the wages. Therefore, the statement of MW1 very much relied upon by the managements to speak to the fact that Ex.M1 and M3 are forged documents not being worth reliable for the reasons stated above, the management fails to discharge the burden cast upon it on additional issue No.2. In the result I must record my findings on Issue No.1 in the 'Affirmative' and Issue No.2 in the 'Negative'.

16. Now coming to the points of reference, it goes without saying that in the light of the above said findings on additional issues recorded by this tribunal, the action of the management in terminating the services of the first party workmen amounts to retrenchment. Undisputedly and so also supported by voluminous documentary evidence brought on record, the workmen have worked continuously for 240 days and more during the period of 13 months immediately before they were stopped from working. It is again not in dispute that provisions of Section 25F have not been complied with while terminating their services. Therefore, termination tantamounts to illegal retrenchment made in violation of Section 25F read with Section 2(o) of the ID Act. Their Lordship of Supreme Court in a decision reported in 1960 1 LLJ SC 251- State of Bombay Vs. Hospital Mazdoor Sabha as far back as 39 years, laid down the proposition of law that 'non

compliance with provisions contained in Section 25F renders the retrenchment invalid, void and inoperative.' Their Lordship of Madhya Pradesh High Court in a case reported in 1994(2)LLJ page 320 have held that 'termination on the ground that appointment was invalid also could not have been passed without compliance of Section 25F of the ID Act'. Even in the case of alleged fraud, Central Administrative Tribunal in a case reported in 1990 (2)80J between Refi Ram and others Vs. Union of India and others laid down the principle 'the delinquent is entitled for a show-cause notice before termination of his services'. In a similar situation in case reported in 1991(1)880J page 326 between M. P. Singh Vs. Union of India, CAT New Delhi bench held the view that services of the workmen who obtained appointment by way of fraud and misrepresentation could not have been terminated without issuing show-cause notice'. Therefore, even for the sake of argument if we attach some weight to the case of the management that the workmen have committed fraud in getting documents at Ex.M1 & M3 viz the appointment letters, then again their services could not have been terminated without the compliance of Section 25F of the ID Act and without following the principles of natural justice issuing show-cause notice to them. There was no show-cause notice issued to the workmen for the alleged fraud nor any enquiry was conducted. Therefore, on this count also the action of the management in terminating the services of the workmen shall have to be set aside as illegal and inoperative. Therefore, it can be held that the management is not justified in terminating the services of the workmen.

17. It is on record that the workmen except the said R. Selvan (since deceased) have been ordered to be continued in service during the pendency of these proceedings. Therefore, relief of reinstatement is not called for. Relief of back wages also cannot be granted as the workman are in the employment of the management under the orders of High Court in the aforesaid writ petitions. As far as workman, Selva in CR No. 142/87 as noted above, his LRs have been brought on record and therefore, his LRs namely, wife, son and daughter shall get the benefit of full back wages from the date of termination till the date of his death i.e. till 2-4-89. Accordingly reference is answered and following award is passed.

AWARD

The management is directed to continue the services of the first party workmen except R. Selvan, workman in CR No. 142/87 and shall pay them the salary as per pay scale mentioned in Ex.M1 and M3. LRs of the deceased R. Selvan shall get full back wages due to him from the date of his termination till his death i.e. 2-4-89. Copy of the award be kept in CR Nos. 107/87, 142/87, 145/87, 146/87, 147/87 and 22/88. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 8th December, 2005.)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 2005

का. आ. 194.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चित्रादुर्गा ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलूर के पंचाट (संदर्भ संख्या सी आर 69/89) को प्रेषित करने हेतु, जो केन्द्रीय सरकार को 19-12-2005 को प्राप्त हुआ था।

[सं. एन-12011/44/89-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th December, 2005

S.O. 194.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (CR No. 69/89) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Chitradurga Gramena Bank and their workman, which was received by the Central Government on 19-12-2005.

[No. L-12011/44/89-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 12th December, 2005

PRESENT:

SHRI A. R. SIDDIQUI, Presiding Officer

C. R. No. 69/89

IPARTY

Shri H. S. Krishnamurthy,
C/o Anant P. Savadi,
Advocate, Room No. 8,
II Block, III Floor,
Super Market,
Hubli-580020

IIPARTY

The Chairman,
Chitradurga Gramena
Bank, Srikadlisingeri,
Mahasamsthanam
Building, P. B. No. 70,
Joginutti Road,
Chitradurga

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* Order. No. L-12011/44/89-IR (B-I) dated 27th September, 1989 for adjudication on the following schedule :

SCHEDULE

"Whether the action taken by the Management of Chitradurga Gramena Bank in terminating the

services of Shri H. S. Krishnamurthy, a probationary Junior Clerk w.e.f. 20-1-86 is justifiable? If not, what relief Shri H. S. Krishnamurthy is entitled to ?"

2. The case of the first party workman in his original Claim statement filed before this tribunal, in brief, was that he is an Ex-employee of the Chitradurga Gramena Bank (hereinafter called the management) and his services with the management deserved appreciation. But to his surprise the management without issuing him any chargesheet and without complying the provisions of natural justice have illegally terminated his services w.e.f. 20-1-1986; that his appeal against the above said termination order also came to be dismissed. He raised the dispute and the conciliation proceedings having been resulted into a failure report, the present reference has been made. He requested this tribunal to pass an award declaring the order of termination as illegal with a direction to the management to reinstate him in service with continuity of service and other benefits along with cost of Rs. 1500/-. In his additional Claim Statement filed (after remand) under the permission of this tribunal, he requested this tribunal to add paras 2 (a) and 2 (b) after para 2 in his earlier Claim Statement. Para 2 (a) and 2 (b) read as under :—

" 2 (a)—that the management by its letter Dated 30-10-1985 has specifically stated that the first party workman is unauthorisedly absent and by invoking the Regulation 10 (2) (a) (ii) of Chitradurga Gramena Bank (Staff) service Regulations 1982, the services of the claimant came to be terminated. However, the management has admitted the facts of illness of the mother of the first party. The mother of the first party was seriously ill during the relevant time i.e. during July, 1985 and thereafter she had a paralytic stroke and she was totally bed ridden, subsequently, she died. In view of the above circumstances, and genuine reason the first party workman could not attend the duties. It is relevant to point out here that the mother of first party was treated by the medicine given by Villagers for the paralytic stroke and there are no certificates for having treated her by the Villagers. However, it is pertinent to state here that the allegation narrated in the notice issued by the Management i.e. unauthorized absent without permission is misconduct under Regulation 22 of Chapter 4 of the Regulation. Therefore, when the allegation amounts to misconduct there should have been a chargesheet and an enquiry was required to be held before terminating the services of first party workman. Therefore, the action taken by the management without issuing a chargesheet and without conducting proper enquiry is illegal and unsustainable and it is in outright violation of their own Regulations governing the service conditions of the employees like the first party. Therefore, the termination order which was not preceded by a

chargesheet and an enquiry is illegal and arbitrary.”

“2(b)—that the Regulation 10 (2) (a) (ii) no doubt empowers the management to terminate the services of an employee but the same has been struck down by the Hon’ble Supreme Court in the case of M. K. Agarwal V/s. Gurgaon Gramin Bank and others by order dated 20-11-87. Since all the Rural Banks have been regulated by the NABARD, the guidelines issued by NABARD, directing the Banks to amend the Regulation, which empowers the direct termination as stated supra and the NABARD has given a clear instruction to keep in mind the observations of Hon’ble Supreme Court in the case stated above before resorting to terminate the services of employee. The Hon’ble Supreme Court while interpreting the similar provision of Regulation of other Gramineen Banks has struck down the validity of such Regulations as unconstitutional and hence the Regulation invoked by the 2nd party in terminating the services of the first party workman was is not in vogue. Therefore, the order of termination passed by the management is “*Ab-initio void*” and it is liable to be set aside. The Claimant herein initially raised an Industrial Dispute before the State Labour Court in Ref. No. 97/87. The management has taken up a stand that the State Labour Court has no jurisdiction as the Management is a schedule Bank and only the Central Govt. is only an appropriate Govt. as contemplated under the ID Act. In such circumstances the first party workman did not prosecute the reference stated above and he did not invite any orders on merits in the said Reference. Thereafter the Claimant approached the Labour Commissioner, Central. In view of the above circumstances and the Central Government was pleased to refer the dispute in hand to this Hon’ble Court for adjudication. Therefore there is no delay on the part of the first party workman in raising the dispute.”

3. The management in its earlier Counter Statement while resisting the claim of the first party *inter alia* contended that as per Chitradurga Gramineena Bank Staff Regulation, 1982 laying down the service conditions of employees, the first party was selected for the post of Junior Clerk-Cum- Cashier in the management bank *vide* appointment order dated 30-1-85 as Junior Clerk-Cum-Cashier. He reported for work on 14-2-85 at Talikatte Branch of the management. He worked at the said branch from 14-2-85 to 30-3-85 and then on transfer to Kitadal Branch, he worked there from 1-4-85 to 1-5-85 and while he was working at Kitadal Branch he remained absent from 2-5-85 undisputedly and never reported for work at any time thereafter; that having regard to the continued prolonged absence of the first party, he was served with a notice

recalling him for work but without any response from him to the said notice. His services at the said two branches during the above said short span were not satisfactory rendering him as unsuitable to the post; that having regard to his unauthorized absence and unsuitability a final memo dated 30-10-85 came to be issued, but the first party neither reported for work nor gave any satisfactory explanation for his absence. Therefore, under the above facts and circumstances, the first party came to be discharged from the services on 20-1-1986 not being found suitable to the post. This action of the management is perfect, legal and justified. Keeping in view the well settled principle of law that the employee can be terminated or discharged from the services being found unsuitable to the post to which he was appointed. The action of the management was based on the ground that first party was not suitable for the post for which he was engaged. His services were terminated by giving him pay in lieu of one months’s notice in terms of Staff Regulation 2 of Regulation 10 of the said Gramineena Bank Staff Regulation, 1982. Therefore, the action of the management is not in pursuance to any misconduct but for the reason that he was not found suitable to the job he was posted.

4. While answering the two additional Para 2 (a and b) of the Claim Statement (by way of additional Claim Statement) the management denied the contention that it had admitted the fact of illness of the mother of the first party not disputing the fact that he had applied for leave on the ground that his mother was not keeping well. The management contended that in order to ascertain the fact of illness of the mother of the first party, the Branch Manager visited his residence and found out that the information given by the first party was not correct as his mother was hale and healthy. If further contended that first party was not at all evincing any interest in rendering the work during the probationary period and remained absent undisputedly from 2-5-85. He did not respond to the recall notice dated 30-10-86 nor reported for duty. The overall performance of the first party was taken into consideration and being found totally unsatisfactory, his services were terminated giving him one months’s pay in lieu of the notice. Therefore, question of following the Regulation No. 22 of Chapter 4 of the regulations does not arise. He was a probationer as per Regulation 8(3)(a) of the aforesaid Regulations and his services have been terminated by employing the Regulation 10(2)(a) (ii). The management disputed the contention of the first party that the above said regulation has been struck down by the Supreme Court of India pertaining to some other bank etc. It contended that the first party was terminated from the services of the bank w.e.f. 20-1-1986 and whereas he is quoting the case of the Supreme Court dated 20-11-1987 which is subsequent to his termination. Even otherwise the first party was a probationer and since his performance during the probationary period was found to be not satisfactory then

there was no alternative for the management but to dispense with his services. It denied the contention of the first party that his services were terminated by way of punishment and referred to the judgment of Supreme Court of India in Civil Appeal No. 628/01 is that regard.

5. Before going to the merits of the case, I would like to bring on record the fact that earlier to this, my learned predecessor by his award dated 3rd September 1999 had dismissed the reference on hand. Aggrieved by this award the first party challenged the same in Writ Petition No. 2886/2000 dated 7-8-2000 and the Learned Single Judge of Hon'ble High Court confirmed the award passed by this tribunal. The first party then preferred a Writ Appeal No.; 5772/2000(L) and their Lordship of Hon'ble High Court sitting in division bench by their order dated 26th May 2004 set aside the order of learned single judge in the said Writ petition and have remanded the matter back to this tribunal to restore the dispute in its file and to decide the matter on merits after affording reasonable opportunity of hearing the workman.

6. After the remand as noted above, the first party filed his additional claim statement followed by the additional counter statement of the Second Party and thereafter on the request of the first party, two witnesses already examined by the management as MW1 & 2 were recalled and were cross examined on behalf of the first party. The management then led additional oral evidence of the other two witnesses namely, MW3 & MW4 and in all got marked 24 documents of Ex.M1 to M24. On the closure of the evidence by the management, the first party filed an affidavit by way of his examination chief and he was cross examined by the management. During the course of cross examination of MW2, a Xerox copy of the direction issued by the Manager NABARD was marked at Ex. W1. During the course of cross examination of MW3, a letter written by him sent to the first party for attending the training of induction course was once again marked as W1 (by oversight). During course of cross examination of MW4 other 5 documents were marked on behalf first party at Ex.W2 to W6.

7. The Statement of MW1 in the examination chief with reference to 17 documents marked by the management is as under :

"I have been working with the Second Party for the last several years and a half. For the last 4 years, I have been working as Manager, Personnel Management Section at Head office, Chitradurga.

I know the first party workman. The first party was recruited as a Probationary Junior Clerk cum Cashier during January 1985 on probation. Ex.M1 is the appointment order. First party reported at Talikatte branch, in February 1985. First party gave declarations to the Bank. M2, 3 and 4 are the declarations given by the first party Ex. M5 shows he was posted at Talikatte, and he reported there. He worked at

Talikatte upto the end of March 1985. He was posted to Kitadal branch w.e.f. 1-4-85. Ex. M6 is the transfer order. He worked at Kitadal branch for about a month. With effect from 2-5-85 he remained absent from duties. Ex.M7 is the copy of the report made by the Branch Manager stating therein the absence of first party.

The first party had remained absent on the ground of his mother's illness. So the head office instructed the manager of Kumbloor branch to verify and inform whether first party's mother was ill. Ex: M8 is the copy of letter written to Manager of Kumbloor branch. We received letter as per Ex. M9 informing that his mother was not sick. Ex.M10 is the letter by head office to the Manager, Harihara directing him to take a registered Medical Practitioner to the house of the first party and examine the mother. The Manager, who went with the Doctor gave report as per Ex.M11. Ex.M12 is the report given by the Manager, Kitadal branch.

The bank through a registered letter Ex.M13 directed first party to report for duty. The first party did not report for duty. The bank manager reported as per Ex. M14 to the effect that the first party had not reported for duty. The bank again issued notice by RPAD to first party as per Ex. M15 directing him to report for duty within 30 days. Ex. M 16 is the postal acknowledgment. Even after Ex. M 15 first party did not report for duty. After the expiry of 30 days, in accordance with law the services of first party was terminated as per Ex. M 17.

First party worked in the bank only for 77 days, including holidays. As per confidential reports received from the manager, the performance even during that period of 77 days was not satisfactory. Ex. M 18 containing 5 sheets is the performance report of first party. The employees of Second Party are governed by Chitradurga Gramineena Bank Staff Service Regulations (1982). First Party's services were terminated under sub-regulation 2 of Regulation 10.

8. Statement of MW2 in his examination chief is as follows :

" At present I am working as a Manager at the Second Party Bank, Chitradurga. I know the first party workman. He was recruited as Cashier-Cum-Clerk on probation. Ex. M 19 is the attendance extract of first party at Kitadal Branch. E. M 20 is the Xerox copy of attendance register for the months of June, May and April 1985.

There is a staff service regulation, which was made applicable to our bank. We have terminated the services of this workman after giving one months notice in accordance with staff regulations of the bank. Ex. M 17 is a termination order."

9. As far as MW3 is concerned, he has filed an affidavit by way of evidence and his statement relevant for the purpose is that while he was the branch manager, Talikatte branch between 14-2-85 to 30-3-85, the first party worked under him and he has written his CR for the months of February and March 1985. He then stated that during the above said period the first party did not take any initiative to do the work, was not capable to prepare the returns, his behaviour towards the customer was not so good so also with the colleagues and superiors. He used to make daily traveling from branch to his residence and that he neither participated in deposit mobilization nor assisted in recovery and that his overall performance was poor. Similarly MW4 has filed an affidavit stating that first party worked at Kitadal branch under him from 1-4-85 to 1-5-85 as a Probationer and he has submitted his CR for the months of April and May 1985. He stated that first party's service was not at all satisfactory and his quality of work was poor and he also repeated the statement of MW3 as noted above. He also stated that the first party remained absent from duty from 2-5-1985 onwards affecting the branch functioning and his proceeding on leave was on an improper ground which fact he has reported to the higher authorities. He also made a report to the higher authority for his continued absence till the date of his termination.

10. The first party in his affidavit by way of examination chief has almost reiterated the various contentions taken by him at the above said paras 2 (a and B) of the Claim Statement therefore, need not be once again repeated.

11. Apart from the documents marked at Ex. M 1 to M20, the other documents at Ex. M 21 to 23 are the Xerox copies of the CR reports at Ex. M 18 series and Ex. M24 is the application filed by the first party seeking job with the management bank. The documents marked during the course of cross examination to MW4 on behalf of the first party at Ex. W2 to W6 are the certificates dated 13-4-1985 said to have been issued by MW4. The letter dated 4-4-1985 of the first party seeking permission to travel daily from Hosadurga to Kitadal branch said to be bearing the endorsement of MW4 forwarding the said letter to head office under his signature: letter dated 24-4-1985 of the first party seeking casual leave on 24-4-1985 and 25-4-1985, a letter dated 8-4-85 by the first party seeking his transfer from Kitadal branch to any other branch in Davengere Taluk or Harihar Taluk and a letter dated 1-5-85 seeking leave for 20 days from 2-5-85 to 21-5-85 to get treatment to his mother as stated in his letter dated 8-4-85. I would like to refer to the statements of MW1 to MW4 and the statement of first party in his cross examination as well as the documents referred to supra as and when found relevant and necessary.

12. The facts undisputed in this case are that the first party was selected for the post of Junior Clerk-Cum-Cashier and was given appointment order dated 30-1-85 and accordingly he reported for work on 14-2-85 at Talikatte

Branch. It is not in dispute that he was working at Talikatte branch from 14-2-85 to 30-3-85 and then worked from 1-4-85 to 1-5-85 at Kitadal Branch on transfer. It is again not in dispute that from 2-5-85 the first party did not report duty till his services were terminated. It is not in dispute that as per the above said appointment order he was put on probation. It is the case of the first party that on account of ill health of his Mother he sought for transfer from Kitadal branch to any branch in Davengere or Harihar Taluk vide his letter at Ex. W5 on the ground that his mother was not keeping well and he required medical treatment quite frequently in a well equipped hospital like Davengere or Harihar. It is his further case that it is on account of ill health of his mother he was forced to apply for leave as per the said letter at Ex. W6 for a period of 20 days from 2-5-1985 to 21-5-1985. In his cross examination first party has admitted that he did not report for duty from 2-5-1985 onwards much less subsequent to 21-5-1985 till which date he had applied for leave and the explanation given by him was that he could not report for duty on account of his mother's ill health.

13. Whereas, it is the case of the management that first of all the application/letter at Ex. W6 sent by the first party seeking leave was not at all considered by the management granting him leave as sought for. On the other hand the then branch manager, MW4 reported the absence of first party to the head office vide letter at Ex. M7 reporting unauthorized absence of the first party affecting the functioning of the bank and to take appropriate disciplinary action against the first party for his absence. It is the case of the management that the management in order to confirm the information given by the first party about his mother's ill health as per letter at Ex. M8 asked the Manager, Kumbalur branch to verify the reported ill health of first party's mother by visiting his house and he (MW1) after having visited the house of the first party found his mother hale and healthy and accordingly reported as per Ex. M9. Thereupon the management once again asked the Manager, Harihar branch to go to the house of the first party to examine his mother and he after having visited the house made report at Ex. M11 saying that though the mother of the first party was in the house but she wrongly reported that mother of first party was not in the house. Accordingly, report at Ex. M12 was also given by the Manager Kitadal branch.

14. It is further case of the management that they sent a letter at Ex. M 13 dated 7-6-85 calling upon the first party to report duty immediately as he was not eligible for privileged leave and that his absence was being treated as 'leave on loss of emoluments'. The first party did not report for duty and accordingly Manager, Kitadal branch made report at Ex. M14 about his absence from duty. It is said that thereafter the manager issued notice dated 30-10-85 by RPAD to the first party directing him to report for duty 'within 30 days in the background of the above said

correspondence and the documents referred to supra. The first party by the above said notice was informed that in case he did not report duty within the period of 30 days from the date of receipt of the notice his name will be deleted from the pay rolls of the bank and since the first party failed to report duty despite the said notice, his services came to be terminated as per termination order at Ex.M17 paying him one month's pay in lieu of one month notice in terms of Regulation 10(2) of the aforesaid Chitradurga Grameen Bank Staff Service Regulations 1982 (hereinafter called Regulations 1982). Therefore, now the moot question to be considered by this tribunal is 'whether the termination order at Ex.M17 is legal and if valid' and the answer is in the Negative. To what relief the first party is entitled for. The management advocate Shri B.C. Prabhakar vehemently argued that the first party being appointed as a Probationer, it was prerogative of the management to get rid of his services after assessing his overall performance including the fact of his unauthorized absence from duty. He contended that based on the above said CRs reports at Ex.M18 series (M21-23) and the fact that the first party was not regular to his duty and remained unauthorisedly absent from 2-5-85 onwards after having worked only for a period of 77 days, the management found the performance of the first party unsatisfactory and first party not suitable for the job. Therefore, the management was legally justified in terms of the appointment order in terminating the services of the first party who was working as a probationer without any charge sheet, show cause notice or any enquiry as such to be conducted against him. Learned counsel submitted that provision of Regulation 10(2)(ii) invoked in termination order is just to comply the condition of appointment order giving the first party one month pay in lieu of notice and it was nothing to do with the reasons shown in the order terminating his services. He submitted that services of the first party were not terminated for his unauthorized absence amounting to misconduct and therefore, there was no need to conduct any enquiry. He submitted that the applications filed by the first party seeking leave on the ground of ill health of his mother were not based on truth and correct information and suspecting the foul play, the management had sent two of its officers ascertaining and confirming the ill health of the mother of the first party and it was found that the information was baseless and incorrect. Therefore, learned counsel submitted that the conduct of the first party remaining absent from duty unauthorisedly from 2-5-85 onwards after having worked only for 77 days that too during the period of probation was quite unbecoming of an employee on probation affecting the very functioning of the bank. He contended that the management while terminating the services of the first party therefore, rightly acted upon the CRs submitted by the respective branch managers namely, MW3 and MW4 at Ex. M18 series and was legally justified to do away with the services of the first party once and for all. As far as Regulation 1982 Clause 10(2)(ii) invoked in

termination order, learned counsel submitted that the Supreme Court struck down the said Regulation by the decision referred to in the year 1987 and whereas, the termination order in this case was in the year 1986 and therefore, invoking the above said regulation in terminating the services of the first party was not illegal. In support of his argument that termination order in question was not bad in law particularly in the case of Probationer, learned counsel cited the following rulings :—

- (i) 1993 LLR 291
- (ii) 1993 LLR 121
- (iii) 2003 LLR 349
- (iv) 1993 LLR 316
- (v) 1993 LLR 317
- (vi) 2001 SOL Case No. 040 Civil Appeal No.628/01

15. Whereas, the learned counsel for the first party with equal vehemence contended that the reason given by the management in termination order regarding unsuitability of the first party to the job was an after thought and motivated as his performance during the above said period of 77 days was never found to be unsatisfactory or below the mark. He submitted that the CRs at Ex.M18 series have been brought in existence only with a view to support the termination order. He submitted that the management in fact suspected the bonafides of the first party in seeking leave on the ground of his mother's ill health and therefore, his leave applications were not considered and this fact gets evident from the statement of MW1 and the aforesaid reports at Ex.M8 to M12 speaking to the fact that officials of the first party visited his house to ascertain the information given by the first party about ill health of his mother. He submitted that the management in fact terminated the services of the first party for his alleged unauthorized absence from duty and not for his unsuitability to the job. To support his argument, learned counsel took the court through the notice at Ex.M15 preceding the termination order and also figuring in the termination order. Wherein the management in no uncertain words dwelt upon the alleged unauthorized absence of the first party asking him to report for duty giving a period of 30 days from the date of the said notice. He also took support of the letter at Ex.M13 dated 7-6-1985 issued by the management calling upon the first party to report for duty and treating the absence as leave on loss of emoluments. Therefore, learned counsel submitted that the alleged unauthorized absence of the first party since was found basis for termination of his services, it cannot be sustained in the eye of law not being preceded by a regular departmental enquiry as unauthorized absence amounts to misconduct. Learned counsel submitted that the order terminating the services of the first party against

probationer forming the foundation of unauthorized absence cannot be justified as the allegation of unauthorized absence was not enquired into holding any enquiry. He nextly contended that the performance of the first party in fact was up to the mark and satisfactory and in can be found out from the certificate at Ex. W2 issued by MW4 and the letter at Ex. W1 issued by him in sending the first party for induction course therein. Lastly, he submitted that in case the first party's performance was not up to the mark nothing prevented the management to have issued any memo or show cause notice to him about his performance but undisputedly no such memo was issued to the first party at any point of time. Therefore, reports at Ex. M18 series cannot be found basis for coming to the conclusion that his performance was not up to mark. Learned counsel took the court through the following decisions in support of his arguments.

- (i) 1999 1 LLJ SC Page 1054
- (ii) 1999 1 LLJ SC page 432
- (iii) ATR 1992 (1) Cat 667
- (iv) 1987 SC L&S page 47
- (v) 2003 SAR SC page 226
- (vi) FLR 1993 (67) SC page 111.
- (vii) 1987 L&S SC page 691

16. After having gone through the records, I find substance in the arguments advanced for the first party. The fact that the management proceeded rather initiated certain action for the alleged unauthorized absence of the first party as seen above, by issuing the letter at Ex. M13 and then the notice at Ex. M15 calling upon him to report duty must make the mind of the management abundantly clear that the management was very much aggrieved by the unauthorized absence of the first party. Till the notice at Ex. M15 was issued, the management it appears contemplated some disciplinary action against the first party on the ground of his unauthorized absence. If the management was not satisfied with the performance of the first party then the very notices at Ex. M13 and 15 itself would not have been issued asking him to report for duty. As seen from the records, i.e. from the pleadings and the tenor of cross examination of first party by the management that management was not accepting the information given by the first party about his ill health of his mother without any pinch of salt. That was the reason for the management in sending two of its officers to the house of the first party to ascertain the truth of the said information about ill health of his mother. As per the management, story of ill health of the mother of the first party was not well founded and it appears to be the reason in not sanctioning leave applied for by the first party. Therefore, till the notice at Ex. M15 was issued, the management was all along thinking about taking action against the first party on the ground of unauthorised absence and that was the reason the notice

at Ex. M15 was issued again on the allegation of unauthorized absence giving the first party 30 days time to report for duty. Till the issuance of the said notice there was no case of the management at any point of time alleging unsuitability of the first party to the job on account of his unsatisfactory performance. Neither notice at Ex. M13 says about it nor the notice at Ex. M15 nor any other document produced by the management for the period earlier to those notices. It was well argued for the first party that CRs at Ex. M18 series first of all will not be sufficient to throw light upon the fact that performance of the first party was bad or below the mark and secondly they can not be acted upon for the reason that they should not have been CRs for every month assessing the performance recording adverse remarks without any communication to the first party. Ex. M18 series for the month of February 1985 written by MW3 is to say that he is not at all showing any interest in internal work. Similar are the remarks in CR for the month of March 1985. In my opinion these remarks cannot be taken to be adverse remarks attributed to the performance of the first party even if they are taken by their face. CR meant for the month of May 1985 written by MW4 is to say that he is very erratic in attending the office and not at all taking any initiative in developing aspects. CR for the month of June 1985 says that 'first party within a short span of his service has gone on L.O.E.'. CR for the month of July 1985 says that the 'one month service in the branch shows that he is not interested in the work'. First of all CRs for the month of June and July 1985 cannot be considered as admittedly first party was not in the service much less working under MW4 as per his statement in cross examination. Now the only report which is for the month of May 1985 which can be said to be some what adverse speaking to the performance of the first party. First of all such adverse remarks cannot be considered for the simple reason that they have not been communicated to the first party seeking his explanation. Secondly undisputedly there was no memo or show cause notice issued to the first party asking him to improve his performance indicating that it was not up to the mark and that he was not found suitable to the job. We cannot also rule out the possibility of the management in getting the above said CRs prepared to meet the case made out in the termination order as argued for the first party. Therefore, the above said CRs in the absence of any memo or show cause notice issued to the first party and for the reasons stated above, cannot be taken as basis for the management to come to the conclusion that first party was not found suitable for the job and that it was the main reason to terminate his services. Main reason as argued for the first party was his unauthorized absence from duty. Their lordship of Supreme Court in the decision reported in 1999 1 LLJ SC case 1054 i.e. in Dipti Prakash Banerjee's case and in Radhey Shyam Gupta's case reported in 1999 1 LLJ SC 432 have laid down the principle that in order to appreciate the terminology used in the order terminating the services of the probationer, the court has to look into the background preceding any

such termination order. It is held that if foundation of the termination order is on the allegations other than the allegations made in the termination order and those allegations have been taken to be true by way of findings behind the back of the enquiry or without any regular enquiry, then such an order of termination will be bad in law. In the first case it is held by their Lordship that if findings were arrived at any enquiry for misconduct behind the back of the officer (here the workman) are without regular departmental enquiry then the simple order of termination is to be treated on the allegations and will be bad. Their Lordship of Supreme Court in the above said Radhey Shyam Gupta's case at Para 11 laid down the principle as under :—

"Now, there are two lines of cases decided by this court which deal with the question in issue. In certain cases of temporary servants and probationers, this court has taken the view that if the *ex parte* enquiry or report are the motive for the termination order, then the termination is not to be called punitive merely because 'principles' of natural justice have not been followed. On the other hand, there is another line of cases, whether this court has held that the facts revealed in the inquiry are not the motive but the foundation for the termination of the services of the temporary servant or probationer and hence punitive as principles of natural justice have not been followed, and such orders are to be declared void. This court had held that for finding out whether a given case falls within either of these two categories, it is permissible for the High Court or Administrative tribunal to go behind the order and look into the record of the proceedings, the antecedent and attendant circumstances culminating in the order of termination."

17. Therefore, from the reading of the above said observations and principles laid down by their Lordship of Supreme Court, it can be very well said that if the termination order was founded on the allegations of misconduct, in the instant case, the alleged unauthorized absence, simple order of termination will be bad in the eye of law. In the instant case as noted above, the management all along had grouse against the first party in remaining absent from duty from 2-5-85 onwards as the leave application of the first party on the ground of ill health of his mother was not based on correct and true information. In fact the termination order at Ex. M17 is based on the notice at Ex. M15 which talks about unauthorized absence of the first party all along. The subject matter of the termination order by way of reference quoted was the notice at Ex. M15. Therefore, as argued for the first party in order to avoid a regular departmental enquiry, the alleged unauthorized absence of the first party, the management have taken a short cut route issuing termination order on certain baseless allegations saying that he was not found suitable for the jobs. Secondly

as argued for the first party, termination order is also bad in law invoking regulation 10(2)(ii) of the said Regulations 1982 as they have been struck down by their Lordship of Supreme Court in the case of M.K. Agarwal, Gurgaon Grammeena Bank reported in 1987 SC Lab 47. He took support of the said case and the direction issued by the Manager, NABARD at Ex. W1 brought on record. There is no dispute of the fact that above said regulation has been set at naught by their Lordship of Supreme Court in the said decision and accordingly instructions have been issued by the Manager, NABARD. What learned counsel for the management submitted is that the decision is of the year 1987 whereas, the termination order is of the year 1986 and therefore, aforesaid decision of Supreme Court will not come in the way of the management to invoke the said regulation. On this point learned counsel for the first party has stated a decision reported in 2003 SAR SC 226 to prove his point that 'interpretation of statute (in this case regulation) cannot be held to be prospective as their lordship in the said case have held that interpretation of provision relates back to the date of the law itself and cannot be prospective of the judgement'. Therefore keeping in view the above said observation of the Lordship it can be safely held that Regulation 10(2)(ii) came to be struck down from the date on which it was regulated or legislated and not from the date their Lordship in the aforesaid decision struck it down. In the result the termination order invoking the above said regulation cannot be sustained in the eye of law on this count also and accordingly to be quashed.

18. Decisions cited on behalf of the management will not come to its rescue as the principle laid down therein, where under quite different context of facts and circumstances. Facts of the present case are quite different from the facts involved in the aforesaid decisions. Therefore, in my humble opinion principle laid down in those decisions are not applicable to the present case. In the result I must hold that the termination order at Ex. M17 is not sustainable in the eye of law and it is held to be illegal and void *ab initio*. Since termination order is held to be illegal, the natural corollary would be the reinstatement of first party workman into the service of the management.

19. Now, coming to the relief of the back wages, learned counsel for the management argued that he cannot be granted back wages from the date of termination till the date he raised a regular dispute by way of reference made to this tribunal in the year 1989 as the delay caused in raising the dispute on the ground that he raised the dispute first before the State Labour Court in the year 1987 and thereafter he did not press the same on account of want of jurisdiction of the Labour Court is directly to be attributed to the first party workman. His next contention was that he also cannot be granted back wages from the date of reference also since on account of laches on his part only this tribunal in the first instance passed an award dated 3-9-99 dismissing the reference. He challenged the said award in Writ Petition

No. 2886/2000 and that came to be confirmed by the learned single judge *vide* order dated 7-8-2000. He challenged the order in Writ Petition in writ appeal No. 5772/2000 and their Lordship of Hon'ble High Court sitting in division bench set aside the order passed in Writ Petition remanded the matter back to this tribunal for fresh disposal. Therefore, learned counsel submitted that for the period elapsed between the year 1989 and 2004 also the first party cannot be granted back wages as on account of lapses on his part, as the award dated 3-9-99 was passed by this tribunal in favour of management and the management was in no way responsible for disposal of the reference on hand during the aforesaid period. He further contended that in his own admissions during the courts of cross-examination before this tribunal, the first party admitted that he has been enrolled as an advocate in the year 1994 and therefore, it cannot be said that he has not been gainfully employed at least subsequent to the year 1994 when he started practicing as an Advocate at Harihar Courts.

20. Whereas, learned counsel for the first party argued that since award passed by this tribunal was challenged by the first party in the Writ Petition and thereafter by way of Writ Appeal, he cannot be denied backwages for the period consumed during the pendency of the proceedings before the High Court in Writ Petition as well as in Writ Appeal. He did not argue on the point about the delay caused in raising the dispute before the Labour Commissioner (C) resulting into the present reference in the year 1989 nor on the point that the first party having been enrolled as an Advocate in the year 1994 has been practicing as a legal practitioner in Harihar Courts.

21. I find substance in the arguments advanced for the management. Undisputedly, in the very words of the first party in his Claim Statement in the first instance he raised the dispute before the State Labour Court in Ref. 97/87 and when the management took up the objection with regard to the jurisdiction of the said court, the first party did not press the said dispute and the said reference before the State Labour Court came to be dismissed. It is again not in dispute that thereafter the first party raised the dispute before the Labour Commissioner (Central) giving rise to the present reference in the year 1989. Therefore, for the delay caused by raising the dispute in the year 1989 the delay shall have to be attributed to the first party and therefore, he cannot claim any back wages from the date of termination till the date of present reference. There is again substance in the argument for the management that during the course of trial before this tribunal, the first party did not prosecute the proceedings diligently and failed to substantiate his claim by way of leading evidence resulting in to the award passed by this tribunal rejecting his reference. Therefore, the period consumed during the course of proceedings pending before the Hon'ble High Court in the Writ Petition filed by the first party challenging

the above said award and thereafter challenging the order in writ petition by way of appeal which was disposed off by their lordship of Hon'ble High Court by order dated 6-5-2004, it is the first party who should be blamed for the delay caused in disposal of the reference on merits. Had he prosecuted the proceedings before this tribunal diligently leading oral and documentary evidence in support of his case and the award was passed by this tribunal in detail based on merits, the resultant proceedings in Writ Petition and the Writ Appeal aforesaid would not have arisen causing inordinate day in disposing off the reference on hand. Therefore, for the period elapsed between the year 1989 and the year 2004, the management cannot be burdened with the payment of back wages to the first party as it is on account of the laches on the part of the first party the delay in disposal of the reference had occurred.

22. Now the question will be whether the first party can get the backwages from the month of May 2004, the date on which the above said Writ Appeal was disposed off and onwards. It is the case of the managements that from the year 1994 onwards the first party being enrolled as an Advocate has been practicing at Harihar Court and therefore, it cannot be said that he has not been gainfully employed. The fact that the first party has been enrolled in the year 1994 of course has been admitted by the first party but in very clear words he has denied the suggestion on behalf of the management that thereafter he had been practicing as an advocate at Harihar Court. An heavy burden cast upon the shoulders of the management to establish before this tribunal that the first party has been practicing as an Advocate and has been gainfully employed making earnings out of his legal practice. The management has failed to discharge this burden. The first party in his affidavit by way of evidence has stated that after termination he has not been gainfully employed and he is residing at Malebennur doing his agricultural work in his property. This statement of first party has not denied by the management in his cross-examination nor the management witnesses have denied the above said case of the first party in their evidence before this tribunal. Therefore, I am of the view that first party shall be entitled to full backwages from the date of disposal of the said writ appeal proceedings till the date he get reinstatement.

23. Coming to the relief of continuity of service and other consequential benefits, it was rightly argued for the management that the first party cannot be granted the above said relief as his services came to be terminated during the period of probation and before he was confirmed in service. Accordingly the reference is answered and following award is passed :—

AWARD

The management is directed to reinstate the first party workman into its service as a probationer itself. He

shall be paid full back-wages since from 1st June, 2004 till the date of his reinstatement. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 12th December, 2005.)

A.R. SUDHIQUI, Presiding Officer

आई लिक्ली, 19 दिसम्बर 2005

कम. नं. 195—औद्योगिक विवाद अधिनियम, 1947 (1947 Industrial Disputes Act, 1947) के अन्तर्गत केन्द्रीय सरकार के बीच, अदालत में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 11, मुम्बई के पंचाट I (संदर्भ संख्या सी जीआईटी-2/92 ऑफ 2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-2005 को प्राप्त हुआ था।

[सं. एल-41015/2/2002-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th December, 2005

S.O. 195.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award-1 (CGIT-2/92 of 2002) of the Central Government Industrial Tribunal No. 11, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Konkkan Railway Corporation Limited and their workman, which was received by the Central Government on 19-12-2005.

[No. L-41015/2/2002-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT MUMBAI

PRESENT:

SHRI B.I. KAZI, Presiding Officer

REFERENCE NO. CGIT-2/92 OF 2002

EMPLOYERS IN RELATION TO THE
MANAGEMENT OF KONKAN RAILWAY
CORPORATION LTD.

AND

Their Workmen

APPEARANCES:

For the Employer : Mr. G.R. Naik, Advocate.

For the Workman : Mr. M.B. Anchan
Advocate.

Mumbai, the 9th November, 2005

AWARD PART-I

The Government of India, Ministry of Labour, New Delhi, by its order No. L-41015/2/2002-IR (B-1) dated 13-12-2002 in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

SCHEDULE

"Whether the action the Management of Konkkan Railway Corporation Ltd., in imposing the punishment of removal from services on Shri C. Mohan is justified? If not, what relief the disputant is entitled to?"

2. The second party has filed Statement of Claim vide Ex. 11. The brief facts are that the Workman was promoted as Goods Driver by order dated 06-05-1999. He was issued a charge sheet dated 13-10-1999 by the Deputy Chief Mechanical Engineer alleging that while functioning as Driver of Dn BCN Goods Train 16802 + 14671 on 11/12-09-1999 had left the working Loco unmanned at Kudal Station and had left Kudal Station before the relief crew could arrive. The second charge was that while performing shunting at Nandgaon Road the Workman had dashed against the siding dead end causing extensive damage to the dead Loco No. 14563 and the dead end and it was alleged that the same exhibited careless and negligent performance. He gave a provisional reply dated 26-10-1999 and a detailed reply dated 16-11-1999 and denied the said charge and made a request for withdrawal and cancellation of the said charge sheet. He stated that while working on 11-09-1999 at Vaibhavwadi while working MNGT/BCN (Train), he had completed 16 1/2 hrs. of working by 6 O' clock on 12-09-1999. He had asked for relief from the SCOR/BEL. He was informed that he would get relief at Kudal Station and upon arriving at Kudal, the Workman confirmed that his relief was coming by 0111 Dn. Train. He had by that time completed 20 1/2 hours of working and therefore, he had requested the SCOR/BEL to allow him to go by KR 06 Train to Ratnagiri. He was given permission by the SCOR/BEL, he advised his Assistant Driver to be in the Loco till the relief crew arrives. An Assistant Driver is a competent person under the rules, in whose charge the Loco can be kept till a relief crew can take over charge. Thereafter he handed over the Loco Reverser Handle and a written report (Note) about the Loco and train condition to the Station Master Kudal Station, to be handed over to the relief crew. After doing that the workman was allowed to be relieved by which time the Workman had completed more than 24 hours and 40 minutes of continuous working though the norm was only 12 hours continuous working. Therefore, he is not guilty of the said charge of leaving the Loco unmanned.

3. In respect of the second charge in the reply stated that the charge has been framed against him without holding a fact finding enquiry. He was doing the said shunting in the early hours of the day in total darkness with 3 Locomotives, as the 2 MU Locos were coupled with the dead Loco No. 14563. In the said darkness he was dependent on the Pointsman and his signal as he could not see anything in front of 3 Loco distance. It is stated that even in the said 3 Locos one was a dead Loco and the brakes of the other loco No. 14671 were isolated as per the report of SLI Ratnagiri. He never exceeded the 8 kms per hour speed during the entire shunting operation which could be confirmed from the speedometer chart of the said

3 Locos. The charge sheet which had been framed on the basis of the report of SLI Ratnagiri was not the correct procedure since no enquiry was made from him before the said report was finalized and on the basis of the report the charge sheet was wrongly framed. Thus he requested for dropping the said charge sheet and closing the enquiry proceedings against him.

4. After the said explanation, the Deputy Chief Mechanical Engineer as Disciplinary Authority appointed Mr. L.D. Cruz SME as the Enquiry Officer by order dated 15-01-2000 and the Workman received a letter dated 25-02-2000 from the said Enquiry Officer asking him to nominate a Defence Helper to assist the workman in the said enquiry. He appointed Mr. S. Murugan as his Defence Helper and intimated the same vide his letter dated 03-03-2000. Mr. S. Murugan has been accepted as Defence Assistant and the letter dated 13-04-2000 was received from the Enquiry Officer. In that letter the enquiry was to be held on 25-04-2000 at 10.00 hours at AME office at Madgaon, Goa.

5. The enquiry was held on 25-04-2000 and 26-04-2000. 8 witnesses were examined on behalf of the Management. No Presenting Officer was appointed and the Enquiry Officer himself also acting in a dual capacity as Presenting Officer conducted the enquiry.

6. The workman submits that none of the witnesses of the Management had stated that he had exceeded the prescribed 8 kms per hour speed during the entire shunting of wagons. The Workman also called for the speedometer chart in this behalf for his defence but the same were not produced by the Enquiry Officer, causing serious prejudice to the workman. Thus the evidence of Mr. Sukumar Shetty and evidence in respect of Charge No. 2 was not proved but the Enquiry Officer given a finding in respect of Charge No. 2 that the workman is guilty of violating Rule 4.62(9) (i) which was not a charge levelled against the workman in the charge sheet. The said rule pertains to maintaining a speed of 8 kms per hour during material train working. The workman gave a reply dated 28-06-2000 to Enquiry Officer and pointed out that the Enquiry Officer has not properly assessed the evidence and has come to a wrong conclusion and requested that disciplinary proceedings be closed against him by holding him not guilty of the second charge, since the Enquiry Officer had held him not guilty of the first charge. The Disciplinary Authority passed an order dated 15-09-2000 and imposed penalty of removal on workman. In the speaking order which was annexed to the penalty order the Disciplinary Authority has disagreed with the finding of the Enquiry Officer in respect of Charge No. 1. The Disciplinary Authority did not give any prior show cause notice regarding the said disagreement and has illegally disagreed and imposed the said penalty. Thereafter the workman filed an appeal on 06-10-2000 to the Regional Railway Manager, Konkan Railway at Ratnagiri. In the said appeal it was pointed out that the speedometer chart was not produced and as per the Accident Manual of Konkan Railway para. 303, has to be followed and several other grounds were urged before the Appellate Authority.

The Appellate Authority did not apply its mind to the points raised in the appeal and mechanically disposed of the said appeal. The Appellate Authority's order is illegal and requires to be set aside. After the said incident he was not suspended at any time even during the enquiry and worked for a year thereafter without any complaint. In para 3 of their say he has raised several grounds for setting aside the punishment order and prays that the Reference shall be allowed with costs.

7. By Ex. 12, the First Party had submitted written Statement. The brief facts are that the concerned workman was appointed as Assistant Diesel Driver on 22-02-1995. He was promoted and posted as Goods Driver on ad-hoc basis vide Office Order dated 06-05-1999. While working as Goods Driver on 11/12-09-1999 he had left the working Train Loco unmanned at Kudal Station and left Kudal Station before the Relief Crew could arrive and earlier while performing shunting at Nandgaon Road Station he had dashed against the siding dead end causing extensive damage to dead Loco No. 14563 which is attributed to careless and negligent working of the workman. Any minor negligent action of the Railway personnel will lead to disastrous accidents causing the damages to public property and lives of passengers. Hence strict safety norm and working procedures have been laid down. The Driver can leave the locomotive after competent Railway servant has been placed in charge of the locomotive. The concerned workman did not handover the Reverser Handle of the locomotive which gives control of the locomotive operation to the Assistant Driver. Thus, the Assistant Driver was not placed as the Incharge of the locomotive. He was issued with a charge sheet and enquiry was conducted by the competent authority giving sufficient opportunity to the petitioner. The Disciplinary Authority after getting satisfied himself to the extent of carelessness and negligent working of the Workman has imposed the punishment of removal from service as per the provisions. A charge sheet was issued dated 13-10-1999 by competent authority i.e. Deputy Chief Mechanical Engineer. The running duty time is to be considered from the time Driver takes over actual charge of the Train or Loco and upto the time he hands over the charge of the Train or Loco. The Workman demanded relief, the relief crew was arranged by the Controller from Ratnagiri. The petitioner did not handover the charge properly to the competent person. The workman handed over the Reversal Handle and B.P.C. to the Assistant Station Master, Kudal. There was no need for a fact finding enquiry and denied that the correct procedure was not followed. The Workman was given all the chances to defend his case and sufficient opportunity was given to the Workman. It is denied that the Enquiry Officer himself acted in dual capacity of Presenting Officer also. Relevant documents and papers were handed over for conducting the enquiry. The Disciplinary Authority has clearly recorded in the speaking order that the employee did not carry out the procedure for handing over charge of locomotive. Pointsman is a trained person for shunting/ placement of Rolling Stock. It was established that the damage caused to the locomotive at the dead end was due

to the negligent and careless working of the Driver and the shunting operation was not properly controlled by the Workman. Hence it was not necessary to call for the speedometer chart. As per G&SR 3.78(i) (b) "The driver shall not however, trust entirely to signals, but always be vigilant and cautious". After consideration of evidence on record the Enquiry Officer came to the conclusion that Charge No.1 is partly proved and Charge No.2 is fully proved. The Disciplinary Authority sent a copy of the enquiry report to the workman vide letter dated 22-05-2000. The Disciplinary Authority has made observation in his speaking order and imposed punishment after considering the enquiry report. There is no disagreement between the views of Enquiry Officer and the Disciplinary Authority. The Appellate Authority confirmed the penalty and there was no need to issue a separate show cause notice. It is not mandatory to suspend an employee during the enquiry as per the DAR Rules. The principle of natural justice was not violated. Thus, it is prayed that the claim of the workman shall be rejected with costs.

8. The Workman has submitted a Rejoinder by Ex. 13. He does not agree with the averments made in para. 4 Written Statement. With regard to para.2 (c), the reasons given for extension of duty period is not supported by the Railways, Board letter dated 13-04-1992. The Workman was made to work beyond the statutory duty hours illegally. He had completed 20 ½ hours working when he was asked to be relieved and completed more than 24 hours 40 minutes continuous working when he was actually relieved. He also denies the improper handling of the charge of the locomotive. G&SR 3.78 (i) (b) was not pleaded in the enquiry and denies that he was negligent in his duty while doing the shunting operation. The Controller had told the Assistant Station Master to keep the Reverser Handle and B.P.C. with him to be handed over to the Reliever. Hence, the very issue of the charge sheet in this behalf was illegal. With reference to para. 2 (f) the Workman states that the Pointsman had not previously done shunting with locomotive. Thus, it is clear that the workman was given an untrained person for the shunting operation and due to his inexperience the incident happened. The speedometer chart would have clearly indicated the speed of the locomotive at the relevant time and would have greatly assisted the Workman in his defence. The non-furnishing of speedometer chart has caused serious prejudice to the workman in defending himself in the enquiry and there has been serious violation of the principles of natural justice. The said shunting operation was done at 1.00 a.m. in the night by the Workman by way of helping clear the tracks which were blocked by the dead loco. The Enquiry Officer has held the Charge No. 1 as not proved and in respect of Charge No. 2 he has held the Workman guilty of a totally different charge which was not leveled against him in the charge sheet. The Disciplinary Authority has disagreed with the Enquiry Officer both in respect of Charge No. 1 and Charge No.2. The Workman denies all submissions in the Written Statement and confirms the submission made by him in para. 3 (a) to (j) of the Statement of Claim

9. By Ex. 18 Workman has filed an affidavit and he was cross-examined by Advocate of the First Party. By Ex.20 the Workman closes his oral evidence.

10. By Ex. 21 the First Party submitted affidavit of Shri L.R. D' Cruz and he was cross-examined by Advocate of the Second Party. By Ex. 22 the First Party has closed their oral evidence.

11. By Ex. 17 the Workman has submitted a list of documents marked 17/1 to 17/8. By Ex. 26 the Workman has submitted a further list of documents which is 26/1 to 26/5. By Ex. 15 the first party has submitted a list of documents at 15/1 to 15/8.

12. The Second Party has submitted Written Arguments on preliminary issue by Ex. 27 and the First Party has submitted a Written Argument by Ex. 29 and by Ex. 30 list of judgment have been submitted by the First Party. By Ex. 31 the Second Party has submitted a counter reply to the written argument of the First Party.

13. Considering the evidence and documents submitted by the parties and on perusing the record as a whole and the written submissions the following preliminary issues are to be decided for my considerations in this Reference.

ISSUES

- 1 Whether the domestic inquiry conducted against the workman was as per the principles of natural justice ?
- 2 Whether the findings of the Inquiry Officer are perverse ?

FINDINGS

Partly as per the principles of natural justice.

Yes.

REASONS

14. On perusing the records of departmental enquiry it is clear that the concerned workman has demanded the speedometer chart for ascertaining the speed limit but it was not produced in the departmental enquiry. Thus, a speedometer chart is the important evidence to prove Charge No. 2 and which clearly indicate the speed of the locomotive at the relevant time. Thus, a serious prejudice was caused to the workman in defending himself in the enquiry and it is violation of principles of natural justice. It has also come in the evidence that the Pointsman had previously not done shunting with locomotives and mere statement of this Pointsman cannot confirm that the speed was more than 8 kms per hour. Thus, it is clear that the workman was given an untrained person for the shunting operation and due to his inexperience the incident has been occurred. Thus, the speedometer chart was the vital document to prove the speed of locomotive. Though demanded by the workman it was not produced in the enquiry. Hence, the principle of natural justice is violated partly. Hence, there is a violation of natural justice by the first party.

15. Looking to the findings of the Enquiry Officer, the Charge No. 1, the following observation made "from

the above it cannot be fully proved that the charged employee Shri C. Mohan, Goods Driver/RM while functioning as Driver DN BCN Goods on 11/12-09-1999 had deserted the working loco. He has handed over the same manned by the Diesel Assistant Shri M.S. Reddy, who is the competent authority and who was fully available in near the loco till the relieving Assistant, Shri Anil M. Shetty arrived." Thus, it is clear that Charge No. 1 has not been proved against the workman. However, Disciplinary Authority has not given a hearing to the concerned workman before imposing the penalty of removal. If the Disciplinary Authority differs from the findings of the Enquiry Officer then it is mandatory on the part of the Disciplinary Authority to issue a show cause notice and to hear the delinquent and without that an order of punishment cannot be passed. The Disciplinary Authority has failed to follow that procedure. Thus it is a great prejudice to the workman that without giving the opportunity for unproved charge he was held guilty by the Disciplinary Authority.

16. If we look to the evidence furnished in the departmental enquiry, Shri A. V. Shetye, Witness No. 1 of the management, in answer to Qn. No. 11, it is clear that while crossing the Station the speed of the loco was working speed. In the cross, examination he admitted that the Pointsman argued with the Driver. Shri Bharat T. Dhadve Witness No. 2 in the reply of Qn. No. 23 says that I have stabled only RMV, CSM machine in the TTM siding but not dealt with any loco. Thus, it is clear that the Pointsman has not stabled any loco in TTM siding or done any shunting of locos in NAN Yard. In the reply of Qn. No. 29, he says that he cannot tell perfectly how much time took to cross first SPI signal and point No. 105. And in reply of Qn. No. 30, he admitted that he could not do anything and the Assistant Driver could have seen the signal.

17. Shri B. N. Bose, Witness No. 4, in reply to Qn. No. 55, admitted that Shri Mohan told him it was the control telephonic order, hence he left the loco. Looking to the evidence of Shri M. S. Reddy, he met the Relieving Crew near the loco and informed him that the Reverser and BPC was handed over to the Station Master and therefore for want of Wedges, Stones were placed under the loco wings and he did not desert the loco. During the shunting he was in the second trailing loco i.e. third loco at the rear. In the answer of Qn. No. 61, he says that the Pointsman did not execute a signal while crossing the first SPI. In answer to Qn. No. 68 and 69, he says that the Pointsman did not show any study signal and he has not seen any danger signal while passing Point No. 105. In the answer of Qn. No. 70, he told that he could see the signal shown by the Pointsman and he was along with the Driver side. After the danger signal the Driver stopped the train and he heard a sound. In the answer to Qn. No. 77 he said that the speed of the loco while pushing towards the TTM siding was around 8 kms per hour and on seeing the danger signal the Driver can stop the movement within 3 to 4 meters. In reply to Qn. No. 80, he stated that the speed of the movement was not more than 8 kms. per hour and in the answer to Q.No. 82 stated that no adequate distance for breaking available after the exhibition of danger signal. He has

submitted that in reply to Qn. No. 83 that the Driver cannot judge the distance between the dead loco and the dead end from the driving seat in the third loco. In reply to Qn. No. 86 and 87, it is clear that there was no adequate distance when the Pointsman exhibited danger signal and the dead loco was 1 to 1.5 meter from the dead end. Thus, looking to the witness it is clear that the Charge No. 1 and No. 2 is not established. Looking to the evidence of Shri P.V. Dicholkar, Witness No. 8, it is clear that the Charge No. 1 is not established against the workman. Looking to the evidence of Shri Anil M. Shetty, witness no. 6, the Train was stable on the second loop line at Kudal. Hence, Shri Reddy was shunting near the loco and stones were placed on the loco wheels for want of wedges and hand brakes were not working. Shri Sukumar Shetty witness no. 7 admits that the Section Control informed him orally to relieve Driver C Mohan. Thus looking to the evidence the Charge No. 1 and Charge No. 2 are not proved against the workman. Thus looking to the above evidence it is clear that the findings of the Enquiry Officer regarding charge No. 2 is not based on evidence and the findings are perverse. As the speedometer is the vital evidence to know the speed of loco and in reply to the charge sheet the concerned workman has demanded the speedometer chart of all those 3 locos, the Charge No. 2 of his careless and negligent working is not proved. Thus, the domestic enquiry conducted against the workman is not as per the principles of natural justice because he was not given full opportunity of defence when he has specifically asked for the speedometer chart in respect of locomotives which had dashed against the dead end and which was the vital piece of evidence to defend Charge No. 2. Not only that before imposing the punishment proper opportunity was not given by the Disciplinary Authority to the workman when the Disciplinary Authority does not agree with the findings of the Enquiry Officer.

18. Thus, the domestic enquiry conducted against the workman was not as per the principles of natural justice and the findings of the Enquiry Officer holding the workman guilty of Charge No. 2 are not based on evidence and the findings of the Enquiry Officer regarding Charge No. 2 is perverse.

19. The first party relied on the several judgments in Brihan Mumbai Municipal Corporation and Jagnarayan M. Kahar 2001 (1) LLN page 687, it was held that enquiry cannot be vitiated on ground that there was no Presenting Officer and that Enquiry Officer himself has conducted the enquiry. In Nathu Mahadev Nigade and Pune Municipal Transport Corporation 2001 (1) LLN page 670 Petitioner challenged the punishment imposed on him on the ground that Enquiry Officer was not competent to issue charge sheet and impose punishment. The Hon'ble High Court rejected the contention on the basis of delegated powers by Transport Commissioner under Section 69 of Bombay Provincial Municipal Corporation Act. In the present case the first party has not submitted any document that the power was delegated to Deputy Chief Mechanical Engineer to issue the charge sheet. As per Rule 9 of the D and A Rules of Konkan Railway Corporation only the appointing authority can be the disciplinary Authority and it is

submitted by the workman that the Chief Mechanical Engineer is the appointing authority in his case. The judgment cited by the first party i.e. 1996 (I) LLN page 337 and 1968 (I) LLJ page 49, is not relevant to decide this preliminary issue. Also 1996 (II) LLJ page 487 is also not relevant. Similarly, 1998 (I) CLR page 35 is also not relevant at this stage because no charges have been proved against the workman looking to the evidence of the departmental enquiry. In Banaras Electric Light and Power Co. Ltd. 1972 (25) FLR page 45 it was held by the Apex Court that an Industrial Tribunal could not be justified in characterizing the findings recorded in the domestic enquiry as perverse unless it can be shown that such a finding is not supported by any evidence or is entirely opposed the whole body of the evidence adduced before it. As I have gone through the evidence of the enquiry it is clear that the findings of the Enquiry Officer regarding proof of Charge No.2 is not supported by the evidence and it is entirely opposed to the whole body of the evidence. In the present case the finding of the Enquiry Officer is based on no evidence to prove Charge No.2. In the departmental enquiry what is required is preponderance of probability and not the proof beyond reasonable doubt. But to prove the charge, evidence should be acceptable to prove the misconduct. In Bank of India and Anr. v/s. Degala Surya Narayan 1999 (II) CLR page 455 it was held by the Apex Court that Enquiry Officer held Respondent not guilty of all the Charges. Disciplinary Authority however disagreed with Enquiry Officer in respect of Charge No.1 (B) after hearing Respondent delinquent Disciplinary Authority held him guilty of Charge 1 (B) and awarded punishment of reduction of pay. It was held that the finding recorded by the Disciplinary Authority setting out the evidence and reason for the finding was immune from interference within the limited scope of power of judicial review available to the Court and hence High Court's order to the extent is set aside. But looking to the enquiry papers in the present case it is clear the delinquent was not heard by the Disciplinary Authority and without hearing him he held guilty of Charge No.1 and 2. Hence, the conduct of the disciplinary Authority of not hearing the delinquent regarding Charge No.1 the speaking order of the Disciplinary Authority does not show the evidence that proved the Charge No.1. Not only that he has not assigned reason for not agreeing with the Enquiry Officer regarding the decision of Charge No.1. Thus there is no clear finding setting out the evidence he has recorded by the disciplinary Authority in the present case. Hence, this decision is not applicable in the present case because no opportunity was given to the delinquent and there is no evidence on which the Disciplinary Authority relies that the Charge No.1 as proved is recorded in the speaking order. 1995 (I) CLR page 108 is not relevant because Sub Regulation 4 of Regulation 37 was amended away with the second show cause notice, hence enquiry was not vitiated. In the present case there is no such evidence to show that the amendment has been done by the first party in D and A Rules so that there is no need of second show cause notice. In the present case Mohd Ramzan Khan case is applicable because it is prospective in operation and provided that the orders of punishment which are passed by the

Disciplinary Authority after November 20, 1990 shall be governed by the Rules of furnishing of copy of the Report and Service of notice to the delinquent to show cause why penalty should not be imposed. Thus in the present case it was mandatory to give the delinquent show cause notice before imposing the punishment. No show cause notice has been given by the Disciplinary Authority to the workman in the present case. In 1997 (II) LLN page 887 it was held that the Supreme Court has categorically held non-furnishing of enquiry report before the order of punishment is passed and without giving an opportunity to the delinquent to submit his explanation on the enquiry report would vitiate the order of punishment. Thus it was necessary to hear the concerned workman before imposing the punishment by the Disciplinary Authority. In 2001 Lab I C 2379 it was held by the Apex Court that non-furnishing of enquiry report to delinquent employee and no prejudice caused to delinquent disciplinary proceedings is not vitiated. However, in the present case the Disciplinary Authority differed from the Enquiry Officer hence it was necessary to hear the delinquent. 2002 Lab I C 2364 SC is not helping the first party because there was a prejudice or injustice, because a vital document i.e. speedometer chart was not produced in the enquiry and without production of such document the speed of loco cannot be established. Thus the demand of speedometer chart is not purely procedural in character. In AIR 1999 SC 2407 it was held that re-appreciation of evidence like Appellate Court not permissible. Disciplinary Authority disagreeing with Enquiry Officer giving reasons for disagreement and recording findings on evidence available then findings cannot be interfered with by Court. In the present case Disciplinary Authority has not given reasons for disagreement based on evidence and his findings are not as per the evidence.

20. Thus looking to the observations and looking to the evidence furnished in the departmental enquiry it is clear that the departmental enquiry held against the workman not fair and proper because a document demanded by workman for ascertaining the speed of loco i.e. speedometer chart was not produced in the enquiry and he was not given a show cause notice and he was not heard by the Disciplinary Authority before imposing the punishment. Thus the action of the Disciplinary Authority is illegal and improper. Hence the departmental enquiry held against the workman is not fair and proper. Looking to the evidence in the enquiry the findings by the Enquiry Officer that Charge No.2 has been proved is not based on evidence. Hence, the finding of the Enquiry Officer regarding proof of Charge No.2 is perverse. Hence, I hereby pass the following order :—

ORDER

The enquiry held against the workman is not as per the principles of natural justice and the findings recorded by the Enquiry Officer are perverse.

Next hearing of the proceedings will be on 09-01-2006.

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 दिसम्बर, 2005

का. आ. 196.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण। श्रम न्यायालय नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 269/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-12-2005 को प्राप्त हुआ था।

[सं. एल-40012/115/2001-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 20th December, 2005

S.O. 196.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 269/2001) of the Central Government Industrial Tribunal/Labour Court No.-I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 20-12-2005

[No. L-40012/115/2001-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

Case No. I.D. 269/2001

Sh. Narinder Pal,
S/o Sh. Sohan Lal,
7/21 I, Gali Kucha Bhai Nihal Singh,
Adda Bazar,
Tarn Taran-143401

..... Applicant

Versus

The Sr. Supdt. of Post Offices,
Amritsar Division,
Amritsar (Punjab)-143001.

..... Respondent

APPEARANCES:

For the workman : Shri A.L. Vohra

For the management : K.K. Thakur

AWARD

Passed on 26-10-2005

Central Government vide No. L-40012/115/2001/IR(DU) dated 11th July, 2001 has referred the following dispute to this Tribunal for adjudication :—

"Whether Sh. Narinder Pal, EDA is a workman, if so, the action of the management of Senior Superintendent of Post Offices, Amritsar Division, Amritsar in terminating the services of Sh. Narinder Pal S/o Sh. Sohan Lal is just and

legal? If not, what relief the workman is entitled to and from which date?"

2. Workman filed claim statement pleading therein that he is BA Part-II and fully eligible to the post of Extra Departmental Delivery Agent (hereinafter called as EDDA). It is submitted that after adjudging his suitability the applicant was appointed as EDDA-III w.e.f. 10-7-1997 against a regular vacant post vide order No. B/5/19 on temporary basis. After working with the management for two years, 4 months and 13 days, suddenly the management illegally retrenched him w.e.f. 24-1-1999 without complying the provisions of Section 25F and 25G of the I.D. Act as neither any notice of retrenchment was served nor any reasons for retrenchment were communicated and he was also not paid in lieu of notice although he has completed more than 240 days of service in one calendar year preceding to the date of termination. It is submitted that the management retrenched his service only to defeat his claim for regular appointment which is also amounts to unfair labour practice. The applicant made representations against his retrenchment but with no result. The dispute was raised and conciliation proceedings also failed and hence the presence reference. He also regularisation of his service as he has completed more than two years of continuous service. It is prayed that he may be reinstated in service with full back wages and continuity of service and all other consequential benefits.

3. Management filed written statement raising preliminary objection that appointment of the applicant was in the nature of stop gap arrangement which was made without following due procedure and without inviting any applications from various eligible employees. It is further pleaded that Kanwaljit Singh EDDA-III Tarn Taran was engaged as wash boy in tiffin room on 4-7-82 and said Kanwaljit Singh provided one Sukhchain Singh as his substitute to work vice him at his own risk and responsibility but said Sukhchain Singh was disallowed to work due to his satisfactory work and conduct. Then the applicant in order to carry out the work of EDDA-III was engaged on purely temporary and stop gap arrangement w.e.f. 11-7-1997. It is further submitted that due to decrease in the work a proposal has been sent by the SSP Amritsar to CPMG, Chandigarh for abolition of the post of EDDA-III and the proposal was duly approved by the office of CPMG on 24-12-2001 and due to abolition of the post it is not possible for the management to reinstate the workman and the termination of the workman is perfectly legal and justified. On merits it is submitted that the applicant was never appointed as EDDA-III. The applicant worked as EDDA-III Tarn Taran from 11-7-1997 to 24-11-1999 on purely stop gap arrangement and applicant is not a workman and not entitled to reinstatement to the post of EDDA-III.

4. Rejoinder also filed by the workman reiterating the claim made in the claim statement.

5. In evidence, workman filed his affidavit alongwith documents. Management also filed affidavit of purshotam Lal as M1. Both the witnesses were cross-examined at length by the parties.

6. Arguments heard at length. The reference sent by the Competent Authority is in two parts first whether the applicant is a workman and second whether termination of his services by the management is just and legal. Ld. Counsel for the management submitted that for the appointment or regularization of service as EDA department of communication P&T vide notification dated 10-9-64 as approved by the Central Govt. framed rules which it self a complete code which provide rules for all categories. In these rules which are called as the Post and Telegraphs Extra Departmental Agents (conduct and Service) Rules, 1964 provide for appointing authority, pension, leave, termination of service, nature of penalties, procedure for imposing a penalty, appeal, period of limitation for appeals, form and contents of appeals etc. There was a clause that if any doubt arises as to who is the appropriate appointing authority in any case, the matter shall be referred to the Govt. whose decision thereon shall be final.

7. He submitted that in view of the above rules, the condition of services applicable on the workman Narinder Pal, despite the fact that workman has completed 240 days, is not entitled for any relief. There was no violation of provisions of Section 25F, G and H and any other provisions. He submitted that Narinder Pal is a civil servant and not entitled to any relief. He also submitted that therefore, relying on the judgment of the Hon'ble S.C. JT. 1996(2) S.C. 457, wherein it is held that workman is a civil servant despite that the management is an industry but workman is a civil servant. He further submitted that the post was filled up after following the due procedure through employment exchange and as the name of the applicant was not sponsored by the employment exchange his name was not considered. He also referred to a latest judgment of the Hon'ble Supreme Court reported in 2005 (2) S.C. Allahabad Jal Sansthan Vs. Daya Shankar Rai & Anr. wherein the Hon'ble Supreme Court was pleased to hold that grant of full back wages mere as a consequence of reinstatement, is no more a good proposition in the change circumstances. Industry is not to be compelled to pay for the period the workman was not working for it. Management also relied on JT 1997(4) S.C. 560 Himanshu Kumar Vidyarthi and Ors. Vs. State of Bihar & Ors. wherein the Hon'ble Supreme Court has held that termination of service of temporary employees who were only daily wagers held daily wage had no right to posts and their disengagement is not arbitrary since they are temporary employees working on daily wages, their disengagement from service can not be treated under I.D. Act, 2005 (1) SCT, Mahender Lal Jain Vs. Indore Development authority, the Hon'ble

Supreme Court has held that daily wagers and *ad-hoc* employees do not hold any regular post. They are appointed for some specific work. Their appointments are in violation of Article 14 in as much as they are not appointed by any competent authority in accordance with the rules and procedure. Such appointments are *void ab-initio* being opposed to public policy. Their service conditions are not determined. They can not claim regularization/permanency against regular posts. 1988 S.C. page 1700 Miss A Sundarambal Vs. Govt. of Goa, Daman and Diu and others, the Hon'ble Supreme Court has held that though School is Industry, teacher is not workman, dispute of termination of service of teacher can not be referred under the ID Act. In 1999 (4) SCT 731 Rajesh Sharma Vs. Presiding Officer, Labour Court, Chandigarh, it is held that under I.D. Act, 1947, Section 25F and G, daily wagers-short term appointment on daily wage basis without following the procedure prescribed in recruitment rules workers appointed against a specific work for a specific period not in accordance with the procedure prescribed are not entitled to the benefits of Section 25F and G of I.D. Act if they are not allowed to continue any further, authority is not obliged to comply with the said provisions, 2005.

8. While suming up his arguments learned counsel for the management submitted that earlier also the learned predecessor has held that the post of the workman was that of extra departmental agent and they are civil servant. He submitted that as the workman Narinder Pal in view of the law referred, despite his completion of 240 days he is not entitled to any relief being he is a civil servant. He submitted that reference may kindly be decided in favour of the management holding that workman is not entitled to any relief and in view of the latest law of 2005 of the Hon'ble Supreme Court workman is also not entitled to any back wages.

9. In reply to the submissions of the learned counsel of the management, learned counsel for the workman submitted that workman was appointed on 10-7-97 and his services were terminated on 24-11-99 he worked for more than 240 days. He also submitted that JT 1996(2) of the Supreme Court page 457 is held no more a good law in view of 1997(7) S.C. page 437 wherein the Hon'ble Supreme Court held that in view of the decision of the seven Judges Bench in Bangalore Water Supply and Sewerage Board case where it is held that in a establishment/management some staff can be workman and in view of the judicial discipline, the above judgment is to be followed and the law laid down in Theyyam Joseph case can not be treated as correct law. He also submitted that as workman has completed more than 240 days in a calendar year preceding to the date of termination and this fact has not been disputed by the management also and the services of the workman were terminated without complying the provisions of Section 25F, the termination

is bad and the workman is liable to be reinstated. He further submitted that where provisions of the I.D. Act override the provisions of other law, other law is to be ignored. In This regard he firstly referred to ILLJ 1982 Bhaskaran Vs. Sub Divisional Officer page 248, the Hon'ble Kerala High Court has decided in the writ petition two questions in a writ filed by the P&T Department (1) whether the P&T department is an industry and (2) whether the Govt. employees, who are governed by the service rules, are outside the preview of the I.D. Act. He submitted that both these questions were decided in favour of the workman holding that provisions of Section 25F, G & H have over riding effect. Anything inconsistent contained in any other law which can not be given effect to. They have simply to be ignore, if the establishment in question is an industry. It is for the state to act if it thinks that Government servant who are also workmen, should not get double benefits. It can amend the I.D. Act or bring in other legislation., AIR 2001 S.C. 672 Vikramaditya Pandey Vs. Industrial Tribunal and another, wherein it is held by the Hon'ble Supreme Court service regulations do not prevail over Industrial Disputes Act. 1996 (4) SCT 697 Hans Raj Vs. Presiding Officer, Labour Court Patiala, 1999(1) RSJ 58 Trishla Devi Vs. The Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh wherein it is held that appointment of the petitioner for fixed period of 89 days again and again with gaps is an unfair labour practice. Similar view has been taken in 1998 (2) RSJ 55 Shimla Devi Vs. P.O. Labour Court Bhatinda and others, 1998 (1) RSJ 703 Bhikku Ram Vs. The Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in which it has been held that the job continue to be required by the employer. Held that employer has not exercised his right to terminate the services of the petitioner in good faith and the work did not ceased amounts to unfair labour practice,*2003(2)SCT 1013 S.M. Nilajkar and Ors. Vs. Telecom District Manager Karnataka wherein it is held by the Hon'ble Supreme Court that termination of services of workman engaged in a scheme or project may not amount to retrenchment within the meaning of sub-clause (bb) subject to the following conditions being satisfied (i) that the workman was employed in a project or scheme of temporary duration, (ii) the employment was on a contract, and not as a daily wager simplicitor, which provided *inter alia* that the employment shall come to an end on the expiry of the scheme or project; and (iii) the employment came to an end simultaneously with the termination of the scheme or project and consistently with the terms of the contract, (iv) the workman ought to have been apprised or made aware of the above said terms by the employer at the commencement of employment. 2000 (84) FLR 896 State of UP Vs. Rajendra Singh Butola and another wherein the Hon'ble Supreme Court has held that daily wagers worked for years, his services were dispensed with without following procedure provided, procedure for retrenchment was required to be followed-termination order set aside, reinstatement with full back

wages ordered.

10. While summing up his arguments learned counsel for the workman submitted that in view of the above law referred by him and that workman has completed more than 240 days in a calendar year preceding to the date of termination which is not disputed by the management although, there are separate rules made by the P&T Department but these rules are to be ignored if inconsistent with the provisions of the I.D. Act. These rules are silent and inconsistent in view of the provisions of Section 25F of the I.D. Act 1947. Learned Counsel for the workman further argued that in view of the above law referred by him, the workman who has completed 240 days in a preceding year from the date of his termination, which is not disputed by the management. That besides completing of 240 days, the provisions of Section 25F were not complied with at the time of termination of the workman, the management has failed to prove that the action of the management of Senior Superintendent of Post Offices, Amritsar Division, Amritsar in terminating the services of Sh. Narinder Pal S/o Sh. Sohan Lal is just and legal? As regards payment of wages, in view of the law referred by the management the workman has left to the court to decide and they did not argue further.

11. In view of the above submissions now main dispute between the parties remains as also agreed firstly that whether applicant comes under the definition of workman under the I.D. Act 1947 (ii) whether rules related to the conditions of services of the post and Telegramme EDA are complete code in itself and provisions of I.D. Act are not applicable, (iii) whether workman is entitled for the relief claimed by him as he has completed 240 days and the management is not justified in terminating his services.

12. Both parties are in agreement that workman has completed 240 days in a calendar year preceding to his termination on 24-11-99. Both the parties are also in agreement that there are rules relating to conditions and service of the post of EDA. The post of BPM is one of an employee appointed under the above rules. Management has contested this case submitting that workman was appointed on adhoc basis and that he is a civil servant and the above service rules are complete code in itself is applicable on the workman. Further that applicant is not a workman defined under the I.D. Act 1947 being civil servant. In view of the law referred by the workman, I am of the considered view that applicant is covered under the definition of workman as defined under Section 2(s) of the I.D. Act 1947 as he is fully covered under the above definition. As regards applicability of the provisions of the I.D. Act 1947 workman has relied also on section 25J of the I.D. Act 1947 i.e. effect of law in consistent with this chapter.

13. As I already held above that petitioner is a workman so the next question referred is whether action of the management in terminating the services of Shri Narinder Pal is just and legal. In brief facts, are not disputed that

workman was appointed on 1-7-1997 and terminated on 24-11-1999 and thus worked for two years four months and 13 days. Appointment was not in writing nor termination. Management's case is that Kanwaljit Singh was engaged by Post Master Tarn Taran Head Officer on 4-2-92. Kanwaljit Singh provided on Sukhchain Singh as his substitute to work against him and in view of his unsatisfactory work and conduct he was disengaged on 11-7-97 and in order to carry out work of EDA, present workman Narinder Pal was engaged on purely temporary basis and stop gap arrangement w.e.f. 11-7-97 at the risk and responsibility of one Ashwani Kumar the then steno to Supdt. Post Office Amritsar. As regard disengagement of the present workman, the case of the management is that as the work decreases considerably a proposal was submitted to Post Master general vide letter dated 7-11-01 for abolishing the above post and that proposal was duly approved on 24-11-01. The workman who was terminated earlier in the year 1999 was not entitled for reinstatement. The management has contested this claim of the workman on the ground that services rendered by the workman under a stop gap arrangement whereas the contentions of the workman are that there was no such stop gap arrangement and since 1992 this system was going on and he was appointed on 10-7-97 and his services were terminated on 24-11-1999 after completing 240 days in a calendar year from the date of his termination.

14. Now the case as per submission of both parties, evidence produced on record and documents, if it is stop gap arrangement, the workman is not entitled for any relief and termination was just and legal. The workman has admitted in his evidence as WWI that his name was not sponsored by any employment exchange. But his interview took place. There was no advertisement in newspaper. MWI also admitted that workman was appointed on 11-7-1997 and that he completed 240 days in a calendar year proceeding to the date of his termination and one post is lying vacant and no compensation was given at the time of termination. MWI has made a statement on 12-9-03 in the court and in view of the law referred by both the parties, I am of the considered view that if the appointment was for stop gap arrangement, then workman is not entitled for any relief as under these circumstances disengagement shall not be covered under the provisions of I.D. Act., 1947. I have also found that management being a Govt. department is a model employer. The management failed to produce any evidence to prove their contention that workman was appointed against a stop gap arrangement rather pleaded that work of Sukhchain Singh was not found satisfactory and thereafter he was disengaged and the present workman was appointed. further more he has worked during the period continuously and last calendar year he worked for more than 240 days. I have also found that proposal for abolishing of the post was sent only on 11-7-01 i.e. about after two years which was accepted to disengage the services of the present workman which is

also on record and proved that still there is post lying vacant.

15. In the circumstances when services of the workman were terminated on 24-11-1999 and proposal to abolish the post was sent only on 11-7-01 i.e. after about two years, it was not expected from the model employer like post office that services of the workman was disengaged despite the fact that his work and conduct was satisfactory to prove that this post become surplus. Model employer follows statutory rules and continuing employment from 1992 till 2001 does not speak that the present workman was appointed on a stop gap arrangement. he was already a workman held as above. I am of the considered view that in the circumstances, workman was not appointed in a stop gap arrangement. Therefore, the compliance of the provisions of Section 25F was mandatory and due to non compliance the termination order become void ab initio.

16. Further in view of the above, the also found that as, management's witness admitted that still there is a post lying vacant and the proposal to declare the post as surplus and to abolish the same is mala fide and unfair labour practice. In the circumstances as I have already held that termination is in violation of Section 25F as the management has not complied with the mandatory provisions of the I.D. Act 1947, therefore, the order of termination is not just and legal. The management is directed to reinstate the workman with continuity of service as the post is still lying vacant as admitted by MWI. As regards back wages is concerned in view of latest judgement referred by the management of 2005, where the conduct of the management who has stated to be model employer not acting in accordance to the image of model employer, the workman is entitled to backwages but in view of the judgement referred by the management, he is entitled to 50% of the backwages. The reference is answered accordingly. Central Govt. be informed. File be consigned to record.

Chandigarh.

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 20 दिसम्बर, 2005

का. आ. 197. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 65/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-12-2005 को प्राप्त हुआ था।

[सं एल-40012/328/2001-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 20th December, 2005

S.O. 197. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 65/2002) of the Central Government Industrial Tribunal/Labour Court No.-I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dep't. of Post and their workmen, which was received by the Central Government on 20-12-2005.

[No. L-40012/328/2001-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-

LABOUR COURT-I,
CHANDIGARH

Case No. I.D. 65/2002

Sh. Gopal Singh S/o Sh. Niranjan Singh,
181-Gaushala Plot, Near Gaushala,
Sangrur-148001.

.....Applicant

Versus

The Supdt. of Post Offices
Sangrur-148001.

.....Respondent

APPEARANCES:

For the workman: Shri A.L. Vohra

For the management: Shri Namit Kumar and K.K. Thakur

AWARD

Passed on 26-10-05

Central Govt. vide No. L-40012/328/2001/IR(DU) dated 1st April, 2002 has referred the following dispute to this Tribunal for adjudication:

"Whether EDP is workman or not, if so, the action of the management of Superintendent of Post Offices, Sangrur in terminating the services of Sh. Gopal Singh S/o Sh. Niranjan Singh, EDP w.e.f. 22-6-2001 is just and legal? If not, what relief the workman is entitled to and from which date?"

2. Workman filed claim statement pleading therein that he is fully eligible to the post of Extra Departmental packer. It is submitted that after adjudging his suitability the applicant was appointed as EDP w.e.f. 29-12-1998 in the vacancy caused by Shri Gurbakshish Singh who was sent on deputation to Army Postal Service as Group D and Shri Gurbakshish Singh is still continuing in Army Postal service. It is submitted that before allowing him to join duty as EDP, an undertaking was taken from him by the management which is as under:

"I hereby undertake that the post of EDP A.M. Bhawanigarh would be vacated, if Shri Gurbakshish Singh discharged from APS and wanted to join this post again and as such I will not claim permanent absorption."

However at the time of his appointment the workman was assured that the above undertaking was only a technical formality or otherwise his appointment was on regular basis as Shri Gurbakshish Singh was not likely to return from Army Postal Service and due to this the workman has also not tried for any other job and continued to work as EDP at Anaj Mandi Post Office Bhawanigarh. It is further submitted that the management department is Industry under the I.D. Act 1947. It is also contended that without any reason all of a sudden his services were retrenched on 22-6-01 without complying the provisions of Section 25F and 25G of the I.D. Act as neither any notice of retrenchment was served nor any reasons for retrenchment were communicated and he was also not paid in lieu of notice although he has completed more than 240 days of service in one calendar year preceding to the date of termination. The management has retrenched his services only to defeat his claim for regular appointment which is also amounts to unfair labour practice as permanent incumbent to the post Shri Gurbakshish Singh has not returned from Army Postal Service. The applicant made representations against his retrenchment but with no result. The dispute was raised and conciliation proceedings also failed and hence the present reference. He also claimed regularisation of his service as he has completed more than two years of continuous service. It is prayed that he may be reinstated in service with full back wages and continuity of service and all other consequential benefits.

3. Management filed written statement raising preliminary objection that appointment of the applicant was in the nature of stop gap arrangement which was made without following due procedure and without inviting any applications from various eligible employees. It is further pleaded that since Gurbakshish Singh was sent on deputation to Army Postal Service as Group D and in his place workman was engaged as stop gap arrangement and his services were disengaged on 22-8-01 as one one Raghubir Singh was declared surplus has to be accommodated and thus the services of the workman were disengaged. Since the workman was appointed purely on stop gap arrangement and applicant is not a workman and not entitled to reinstatement to the post as the permanent incumbent of the post Bakshish Singh has also written to the department and willing to join his post. It is further submitted that the applicant was not given any assurance about his continuance or regularisation nor any authority was competent to give such assurance to him. This disengagement of the services of the applicant was fully justified and was in the interest of administration and the workman did not have any vested right to continue in stop gap arrangement till the return of Shri Gurbakshish Singh from Army Postal Service. Merely on completion of 240 days of continuous service, the applicant is not entitled to any relief as the disengagement of the workman is not amount to retrenchment and he is not entitled to any relief

and no protection of Section 25F is available to the workman as the workman was engaged in stop gap arrangement. No unfair labour practice has been adopted by the management. It is also submitted that EDAs are not workman under the I.D. Act as the disengagement of the applicant was in pursuance of the provisions of Rule 6 of the ED Agents (conduct & Service) Rules.

4. Rejoinder also filed by the workman reiterating the claim made in the claim statement.

5. In evidence, workman filed his affidavit. Management also filed affidavit of Jarnail Singh Spdt. Post Office as M1. Both the witnesses were cross-examined at length by the parties.

6. Arguments heard at length. The reference sent by the Competent Authority is in two parties first whether the applicant is a workman and second whether termination of his services by the management is just and legal. Ld. Counsel for the management submitted that for the appointment or regularization of service as EDA department of communication P&T vide notification dated 10-9-64 as approved by the Central Govt. framed rules which it self a complete code which provide rules for all categories. In these rules which are called as The Post and Telegraphs Extra Departmental Agents (Conduct and Service) Rules 1964 provide for appointing authority, pension, leave, termination of service, nature of penalties, procedure for imposing a penalty, appeal, period of limitation for appeals, form and contents of appeals etc. There was clause that if any doubt arises as to who is the appropriate appointing authority in any case, the matter shall be referred to the Govt., whose decision there on shall be final.

7. He submitted that in view of the above rules, the conditions of services applicable on the workman Gopal Singh, despite the fact that workman has completed 240 days, is not entitled for any relief. There was no violation of provisions of Section 25F, G and H and any other provisions. He submitted that Gopal Singh is a civil servant and not entitled to any relief, he also submitted that therefore, relying on the judgement of the Hon'ble S.C. JT 1996(2) S.C. 457, wherein it is held that workman is a civil servant despite that the management is an industry but workman is a civil servant. He further submitted that the post was filled up after following the due procedure through employment exchange and as the name of the applicant was not sponsored by the employment exchange his name was not considered. He also referred to a latest judgement of the Hon'ble Supreme Court reported in 2005 (2) SCT, Allahabad Jal Sansthan Vs. Daya Shankar Rai & Anr. wherein the Hon'ble Supreme Court was pleased to hold that grant of full back wages more as a consequence of reinstatement, is no more a good proposition in the change circumstances. Industry is not to be compelled to pay for the period the workman was not working for it. Management also relied on JT 1997 (4) S.C. 560 Himanshu Kumar Vidyarthi

and Ors. Vs. State of Bihar & Ors. wherein the Hon'ble Supreme Court has held that termination of service of temporary employees who were only daily wagers-held daily wager had no right to posts and their disengagement is not arbitrary-since they are temporary employees working on daily wages, their disengagement from service can not be treated under I.D. Act, 2005 (1) SCT. Mahender Lal Jain Vs. Indore Development Authority, the Hon'ble Supreme Court has held that daily wagers and adhoc employees do not hold any regular post. They are appointed for some specific work. Their appointments are in violation of article 14 in as much as they are not appointed by any competent authority in accordance with the rules and procedure. Such appointments are *void ab initio* being opposed to public policy. Their service conditions are not determined. They can not claim regularization/permanency against regular posts. 1988 S.C page 1700 Miss A Sundarambal Vs. Govt. of Goa, Daman and Diu and others, the Hon'ble Supreme Court has held that though School is Industry, teacher is not a workman, dispute of termination of service of teacher can not be referred under the I.D. Act., In 1999(4) SCT 731 Rajesh Sharma Vs. Presiding Officer, Labour Court, Chandigarh, it is held that I.D. Act 1947, Section 25F and G; daily wagers-short term appointment on daily wage basis without following the procedure prescribed in recruitment rules-workers appointed against a specific work for a specific period not in accordance with the procedure prescribed are not entitled to the benefits of Section 25F and G of I.D. Act if they are not allowed to continue any further, authority is not obliged to comply with the said provisions, 2005.

8. While summing up his arguments learned counsel for the management submitted that earlier also the learned predecessor has held that the post of the workman was that of extra departmental agent and they are civil servant. He submitted that as the workman Gopal Singh in view of the law referred, despite his completion of 240 days he is not entitled to any relief being he is a civil servant. He submitted that reference may kindly be decided in favour of the management holding that workman is not entitled to any relief and in view of the latest law of 2005 of the Hon'ble Supreme Court workman is also not entitled to any back wages.

9. In reply to the submissions of the learned counsel of the management, learned counsel for the workman submitted that workman was appointed on 29-12-1998 and his services were terminated on 22-6-2001 he worked for more than 240 days. He also submitted that JT 1996(2) of the Supreme Court page 457 is held no more a good law in view of 1997(7) S.C. page 437 wherein the Hon'ble Supreme Court held that in view of the decision of the seven Judges Bench in Bangalore Water Supply and Sewerage Board case where it is held that in a establishment/management some staff can be workman and in view of the judicial discipline, the above judgment is to be followed and the

law laid down in Theyyam Joseph case can be treated as correct law. He also submitted that as workman has completed more than 240 days in a calendar year preceding to the date of termination and this fact has not been disputed by the management also and the services of the workman were terminated without complying the provisions of Section 25F, the termination is bad and the workman is liable to be reinstated. He further submitted that where provisions of the I.D. Act override the provisions of other law, other law is to be ignored. In this regard he firstly referred to ILLJ 1982 Bhaskaran Vs. Sub Divisional Officer page 248, the Hon'ble Kerala High Court has decided in the writ petition two questions in a writ filed by the P&T Department (1) whether the P&T department is an industry and (2) whether the Govt. employees, who are governed by the service rules, are outside the preview of the I.D. Act. He submitted that both these questions were decided in favour of the workman holding that provisions of Section 25F, G & H have over riding effect. Anything inconsistent contained in any other law which can not be given effect to. They have simply to be ignored, if the establishment in question is an industry. It is for the state to act if it thinks that Government servant who are also workmen, should not get double benefits. It can amend the I.D. Act or being in other legislation, AIR 2001 S.C. 672 Vikramaditya Pandey Vs. Industrial Tribunal and another, wherein it is held by the Hon'ble Supreme Court service regulations do not prevail over Industrial Disputes Act, 1996 (4) SCT 697 Hans Raj Vs. Presiding Officer, Labour Court Patiala, 1999(1) RSJ 58 Trishla Devi Vs. The Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh wherein it is held that appointment of the petitioner for fixed period of 89 days again and again with gaps is an unfair labour practice. Similar view has been taken in 1998(2) RSJ 55 Shimla Devi Vs. P.O. Labour Court Bhatinda and others, 1998 (1) RSJ 703 Bhikku Ram Vs. The Presiding Officer, Industrial Tribunal-cum-Labour Court. Rohtak in which it has been held that the job continue to be required by the employer. Held that employer has not exercised his right to terminate the services of the petitioner in good faith and the work did not ceased amounts to unfair labour practice, 2003(2) SCT 1013 S.M. Nilajkar and Ors. Vs. Telecom District Manager Karnataka wherein it is held by the Hon'ble Supreme Court that termination of services of workman engaged in a scheme or project may not amount to retrenchment within the meaning of sub clause (bb) subject to the following conditions being satisfied (i) that the workman was employed in a project or scheme of temporary duration, (ii) the employment was on a contract, and not as a daily wager simplicitor, which provided inter alia that the employment shall come to an end on the expiry of the scheme or project; and (iii) the employment came to an end simulataneously with the termination of the scheme or project and consistently with the terms of the contract, (iv) the workman ought to have been apprised or made aware of the above said terms by the employer at the

commencement of employment. 2000(84) FLR 896 State of UP Vs. Rajendra Singh Butola and another wherein the Hon'ble Supreme Court has held that daily wagers worked for years, his services were dispensed with without following procedure provided, procedure for retrenchment was required to be followed—termination order set aside, reinstatement with full back wages ordered.

10. While summing up his arguments learned counsel for the workman submitted that in veiw of the above law referred by him and that workman has completed more than 240 days in a calendar year preceding to the date of termination which is not disputed by the management although, there are separate rules made by the P&T Department but these rules are to be ignored if inconsistent with the provisions of the I.D. Act. These rules are silent and inconsistent in view of the provisions of Section 25 F of the I.D. Act 1947. Learned counsel for the workman further argued that in view of the above law referred by him, the workman who has completed 240 days in a preceding year from the date of his termination, which is not disputed by the management. That besides completing of 240 days, the provisions of Section 25F were not complied with at the time of termination of the workman, the management has failed to prove that the action of the management of Superintendent of Post Office, Sangrur in terminating the services of Sh. Gopal Singh S/o Sh. Niranjan Singh EDP w.e.f. 22-6-2001 is just and legal? As regards payment of wages, in view of the law referred by the management the workman has left to the court to decide and they did not argue further.

11. In view of the above submissions now main dispute between the parties remains as also agreed firstly that whether applicant comes under the definition of workman under the I.D. Act 1947, (ii) whether rules related to the conditions of services of the Post and Telegram EDA are complete code in itself and provisions of I.D. Act are not applicable, (iii) whether workman is entitled for the relief claimed by him as he has completed 240 days and the management is not justified in terminating his services.

12. Both parties are in agreement that workman has completed 240 days in a calendar year preceding to his termination on 22-6-2001. Both the parties are also in agreement that there are rules relating to conditions and service of the post of EDA. The post of EDP is one of an employee appointed under the above rules. Management has contested this case submitting that workman was appointed on *ad-hoc* basis and that he is a civil servant and the above service rules are complete code in itself is applicable on the workman. Further that applicant is not a workman as defined under the I.D. Act 1947 being civil servant. In veiw of the law referred by the workman, I am of the considered view that applicant is covered under the definition of workman as defined under Section 2(s) of the I.D. Act 1947 as he is fully covered under the above definition. As regards applicability of the provisions of the

I.D. Act 1947 workman has relied also on Section 25J of the I.D. Act 1947 i.e. effect of law inconsistent with this chapter.

13. As I have already held above that petitioner is a workman so the next question referred for adjudication is that whether action of the management of Superintendent of Post Offices, Sangrur in terminating the services of Gopal Singh w.e.f. 22-6-2001 is just and legal and if not what relief the workman is entitled to and from which date.

14. In this case admitted facts are that as per workman despite being fully eligible, he was appointed as EDP on 29-12-1998 in the vacancy caused by Gurbakshish Singh who was sent on deputation to Army Postal Service. That before allowing him to join duty as EDP an undertaking was taken by the management which is as under :

"I hereby undertake that the post of EDP A.M. Bhawanigarh would be vacated, if Shri Gurbakshish Singh discharged from APS and wanted to join this post again and as such I will not claim permanent absorption."

15. That workman has completed 240 days in a calendar year preceding to the date of termination and has almost completed more than two years but all of a sudden on 22-6-2001 without complying the provisions of Section 25F and G his services were terminated and in his place appointed one Raghubir Singh and the management appointed the said Raghubir Singh to defeat the claim of the workman for regular appointment. The case of the management is that workman was engaged only as a substitute in stop gap arrangement due to as Shri Gurbakshish Singh had been sent on deputation to Army Postal Service as Group D. It is further stated that such employees are engaged as substitutes who are not entitled to any regularisation. The applicant was appointed only as a substitute against regular incumbent on stop gap arrangement and his discharge is not retrenchment and is not entitled to any relief. He was also not given any assurance. That since the vacancy caused on account of deputation of Shri Gurbakshish Singh was likely to continue for a long period, the competent authority deemed it appropriate to fill up the post on regular basis and in the interest of exigencies of administration, one Raghubir Singh who was rendered surplus at Bhaika Pishore Office was posted as ED Packer in the vacancy caused by the deputation of Shri Gurbakshish Singh, where the applicant was working in stop gap arrangement and thus his disengagement was fully justified and as such the workman is not entitled to any relief.

16. In view of the admitted facts above that workman was appointed as a stop gap arrangement on a vacancy caused by Gurbakshish Singh and it has taken considerably long time and that one Raghubir Singh fell surplus and the workman was disengaged to accommodate that surplus person Raghubir Singh. Gurbakshish Singh also returned

and joined *vide* letter date 21-7-2003 and that letter is on record and not questioned by the workman.

17. In this regard learned counsel for the workman has submitted that management has disengaged the workman and brought Raghubir Singh in his place just to make workman unemployed. The workman has also given an undertaking and it is not disputed by the workman that he was engaged in a stop gap arrangement in place of Gurbakshish Singh who went on deputation to Army Postal Service. Post Office is a Government department and model employer who is bound to follow statutory rules and regulation and should have acted as a model employer. The management is taking two grounds for disengagement of workman (i) that one Raghubir Singh became surplus at another place and that now Gurbakshish Singh was also seeking his return and joining the above post in dispute. Although there is no written agreement but there is implied agreement between the parties i.e. contract as not dispute that workman has been appointed as a substitute on a vacant post of Gurbakshish Singh who joined Army Postal Service on deputation. It was ensured to the workman that he will work till Gurbakshish Singh joins. The management has nowhere specifically denied this plea of the workman that workman has submitted an undertaking to the department. Present workman worked for more than two and half year and in a Govt. department there is an appointment and no termination letter and no contract of his appointment as a substitute of Gurbakshish Singh. The management is totally silent about the undertaking given by the workman. Hence the conduct of the management is mala fide and unfair labour practice. Has Gurbakshish Singh joins his post, the situation would be different, but this can not be said as stop gap arrangement, but workman worked for two and half years and also completed more than 240 days in a calendar year proceeding to the date of his termination, hence compliance of Section 25F and G are mandatory for the management. Admittedly there is no compliance of Section 25F, therefore, the termination is *void ab initio* and workman should be reinstated with full back wages.

17. On the other hand the learned counsel for the management submitted that although the workman appointed as a substitute in a stop gap arrangement on the post of Gurbakshish Singh who joined Army Postal Service. As one Raghubir Singh become surplus, and to accommodate the said Raghubir Singh, workman Gopal Singh was terminated and in his place Raghubir Singh was posted. He also submitted that Gurbakshish Singh has also written to the management that he is coming back to the department and he may be allowed to join. He wrote this letter on 21-7-2003. In case workman was not terminated for Raghubir Singh, even then, services of the workman would be terminated as Gurbakshish Singh is willing to join and also has written about joining the parent department and the post in dispute which he vacated for workman. He submitted

that there is no malafide and the workman is not entitled to any relief. As regard about the compliance of provisions of the I.D. Act, 1947 these are not required to be complied with.

18. In view of the submission of both the parties, I have found that management has taken a stand that services of the workman were to be terminated on the joining of the person who vacated the post for the workman who went on deputation to Army Postal Service. The services of the workman were terminated in order to accommodate one Raghubir Singh who was rendered surplus. The management also taken a stand that in case Raghubir Singh was not appointed and workman is not terminated at that this now Gurbakshish Singh has written to the management that he is joining his post and coming back and he may be allowed to join. So now workman services were liable to be terminated if not done earlier. Therefore, the workman is not entitled to any reinstatement as this is a stop gap arrangement. I have found that there was a implied contract between the parties that workman is appointed as a substitute and as the management has taken two stands. One that workman was terminated because Raghubir Singh had become surplus and management also took a stand that in case Raghubir Singh was not appointed and services of the workman were not terminated now his services are likely to be terminated as Gurbakshish Singh is likely to join his post on his return from Army Postal Service. From the submissions and my persual of documents and record and law, I have found that till no evidence has come that said Gurbakshish Singh has joined and has come back to join the management. In these circumstances and in view of the implied contract between the parties which was ought to be respected management being model employer and Govt. department it can be said that conduct of the management in termination of the workman as they are doing in other cases, it is malafide and as well as unfair labour practice even as per their implied contract between the parties, they have to comply it. As there is no evidence on record to show that Gurbakshish Singh has joined the department, in the circumstances it can not be said that management can terminate the services of the workman arbitrarily. The workman has also completed more than 240 days and if stop gap arrangement is not complied, then the management is bound to comply with the provisions of Section 25F of the I.D. Act, 1947. Further in the interest of justice and in compliance of the contract and that termination is bad in view of above, it can not be said just and legal. The workman has a right to continue in his service till Gurbakshish Singh joins the postal department. Hence the management is directed to reinstate the workman on the post on which Gurbakshish Singh was working till Gurbakshish Singh joins and pay all the full back wages to the workman. If the said Gurbakshish Singh already joins, then the workman is entitled for the full wages from the

date of termination till the date of joining of said Gurbakshish Singh. The reference is answered accordingly. Central Govt. be informed. File be consigned to record.

Chandgarh

Dated 26-10-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 20 दिसम्बर, 2005

का. आ. 198. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 121/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-12-2005 को प्राप्त हुआ था।

[सं. एल-40012/97/98-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 20th December, 2005

S.O. 198. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 121/99) of the Central Government Industrial Tribunal/Labour Court No.-I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government in on 20-12-2005

[No. L-40012/97/98-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. 121/99

Sh. Pancham Lal,
S/o Sh. Ram Harak,
H. No. 16/5,
Behind B.D. Floor Mill,
Patelnagar,

Ambala Cantt. (Haryana)—133001.

.....Applicant

Versus

The Chief Postmaster General,
Haryana Circle,
Ambala Cantt. (Haryana)—133001

.....Respondent

APPEARANCES:

For the workman : Shri B.M. Sharma

For the management : Shri K.K. Thakur

AWARD

(Passed on 26-10-2005)

Central Govt. vide No. L-40012/97/98/IR(DU) dated 6th May, 1999 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Chief Postmaster General, Haryana Circle, Ambala Cantt. in terminating the services of Sh. Pancham Lal S/o Sh. Ram Harak is legal and justified? If not, what relief the workman is entitled?”

2. In his claim statement the workman submitted that he was employed as a mali in the office of the respondent for the period from 25-8-92 to 14-1-1997 on daily wage basis but paid monthly basis and his work and conduct was satisfactory and there was no complaint against him. His services were terminated under colourable exercise of powers without serving any notice or payment of salary and no compensation was paid. He was also not served with any charge-sheet and the management also not complied with the principle of first come last go and after his termination the post has been filled up by an outsider in violation of Section 25H. He prayed that he may be reinstated in service with all benefits including backwages.

3. In written statement the management has taken preliminary objection that there is no relationship of employer and employee, the applicant was deployed only in stop gap arrangement in lieu of a part time Mali. Therefore, the applicant is not a workman. His appointment was made without following the recruitment rules for group D non test category. The names were not requisitioned from the employment exchange. The deployment of the workman was in stop gap arrangement till a suitable substitute was appointed in place of Shri Harbans Lal part time Mali. Thus the services of the applicant were bound to be dispensed with immediately on the joining of substitute of Harbans Lal. There is one post of full time Mali and one part time Mali with the management. Shri Suraj Kumar, brother of the workman has been appointed against the full time post of Mali and for part time Shri Harbans Lal was appointed. The said Harbans Lal absented himself unauthorisedly from his duty in August, 1992 and the workman was engaged verbally in his place as part time Mali that his deployment would be purely on temporary basis till the above said Harbans Lal resume duty or suitable successor of the absentee is appointed in accordance with the departmental instructions. The workman was told that he would have no claim for his regular appointment against that post as he was engaged purely on stop gap arrangement. Efforts were made to fill up the vacancy through employment exchange and during this period the workman was allowed to continue. The services of the workman were disengaged on 15-1-1997 and later on one Ram Lakhan who was sponsored by the employment exchange was appointed as part time Mali vide order dated 15-7-1997.

4. Rejoinder also filed by the workman reiterating the claim made in the claim statement.

5. In evidence, workman filed his affidavit alongwith documents. Management also filed affidavit of Sh. J.C. Sehgal as M1. Both the witnesses were cross-examined at length by the parties counsels.

6. Arguments heard at length. Ld. counsel for the management submitted that for the regularization of service as EDA Department of Communication P&T vide notification dated 10-9-64 as approved by the Central Govt. framed rules which itself a complete code which provide rules for all categories. In these rules which are called as The Post and Telegraphs Extra Departmental Agents (Conduct and Service) Rules, 1964 provide for appointing authority, pension, leave, termination of service, nature of penalties, procedure for imposing a penalty, appeal, period of limitation for appeals, form and contents of appeals etc. There was a clause that if any doubt arises as to who is the appropriate appointing authority in any case, the matter shall be referred to the Govt. whose decision thereon shall be final.

7. He submitted that in view of the above rules, the condition of services applicable on the workman Pancham Lal, despite the fact that workman has completed 240 days, is not entitled for any relief. There was no violation of provisions of Section 25F, G and H and any other provisions. He submitted that Pancham Lal is a civil servant and not entitled to any relief. He also submitted that therefore, relying on the judgment of the Hon'ble S.C. JT 1996(2) S.C. 457, wherein it is held that workman is a civil servant despite that the management is an industry but workman is a civil servant. He further submitted that the post was filled up after following the due procedure through employment exchange and as the name of the applicant was not sponsored by the employment exchange. He also referred to a latest judgment of the Hon'ble Supreme Court reported in 2005(2) SCT, Allahabad Jal Sansthan Vs. Daya Shankar Rai & Anr. Wherein the Hon'ble Supreme Court was pleased to hold that grant of full back wages mere as a consequence of reinstatement, is no more a good proposition in the change circumstances. Industry is not to be compelled to pay for the period the workman was not working for it. Management also relied on JT 1997(4) S.C. 560 Himanshu Kumar Vidyarthi and Ors. Vs. State of Bihar & Ors wherein the Hon'ble Supreme Court has held that termination of service of temporary employees who were only daily wagers-held daily wages had no right to posts and their disengagement is not arbitrary-since they are temporary employees working on daily wages, their disengagement from service cannot be treated under I.D. Act, 2005(1) SCT, Mahender Lal Jain Vs. Indore Development Authority, the Hon'ble Supreme Court has held that daily wagers and ad hoc employees do not hold any regular post. They are appointed for some specific work. Their appointments are in violation of Article 14 in as much

as they are not appointed by any competent authority in accordance with the rules and procedure. Such appointments are void ab-initio being opposed to public policy. Their service conditions are not determined. They cannot claim regularization/permanency against regular posts. 1988 S. C. page 1700 Miss A. Sundarambal Vs. Govt. of Goa, Daman and Diu and Others, the Hon'ble Supreme Court has held that though School is Industry, teacher is not workman, dispute of termination of service of teacher cannot be referred under Act, 1999 (4) SCT 731 Rajesh Sharma Vs. Presiding Officer, Labour Court, Chandigarh. It is held that I. D. Act, 1947, Section 25F and G, daily wagers-short term appointment on daily wage basis without following the procedure prescribed in recruitment rules-workers appointed against a specific work for a specific period not in accordance with the procedure prescribed are not entitled to the benefits of Sections 25F and G of I. D. Act if they are not allowed to continue any further, authority is not obliged to comply with the said Provisions, 2005.

8. While summing up his arguments learned counsel for the management submitted that earlier also the learned predecessor has held that the post of the workman was that of extra departmental agent and they are civil servants. He submitted that as the workman Pancham Lal in view of the law referred, despite his completion of 240 days he is not entitled to any relief being he is a civil servant. He submitted that reference may kindly be decided in favour of the management holding that workman is not entitled to any relief. In view of the latest Law of 2005 of the Hon'ble Supreme Court, workman is also not entitled to any back wages.

9. In reply to the submissions of the learned counsel of the management, learned counsel for the workman submitted that workman was appointed on 10-7-97 and his services were terminated on 24-11-99 he worked for more than 240 days. He also submitted that JT 1996 (2) of the Supreme Court page 457 is held no more a good law in view of 1997(7) S.C. page 437 wherein the Hon'ble Supreme Court held that in view of the decision of the seven Judges Bench in Bangalore Water Supply and Sverage Board case where it is held that in a establishment/management some staff can be workman and in view of the judicial discipline, the above judgment is to be followed and the law laid down in Theyyam Joseph's case cannot be treated as correct law. He also submitted that as workman has completed more than 240 days in a calendar year preceding to the date of termination and this fact has not been disputed by the management also and the services of the workman were terminated without complying the provisions of section 25F, the termination is bad and the workman is liable to be reinstated. He further submitted that where provisions of the I.D. Act override the provisions of other law, other law is to be ignored. In this regard he firstly referred to I.L.L.J. 1982 Bhaskaran Vs. Sub Divisional officer page 248, the

Hon'ble Kerala High Court has decided in this writ petition two questions in a writ filed by the P&T Department (1) whether the P&T department is an industry and (2) whether the Govt. employees, who are governed by the service rules, are outside the preview of the I.D. Act. He submitted that both these questions were decided in favour of the workman holding that provisions of Sections 25F, G & H have overriding effect. Anything inconsistent contained in any other law which cannot be given effect to. They have simply to be ignored, if the establishment in question is an industry. It is for the State to act if it thinks that Government servant who are also workmen, should not get double benefits. It can amend the I.D. Act or bring in other legislation, AIR 2001 S.C. 672 Vikramaditya Pandey Vs. Industrial Tribunal and another, wherein it is held by the Hon'ble S.C. serviceregulations do not prevail over Industrial Disputes Act, 1996 (4) SCT 697 Hans Raj Vs. Presiding Officer, Labour Court, Patiala, 1999(1) RSJ 58 Trishla Devi Vs. The Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh wherein it is held that appointment of the petitioner for fixed period of 89 days again and again with gaps is an unfair labour practice. Similar view has been taken in 1998(2) RSJ 55 Shimla Devi Vs. P.O. Labour Court, Bhatinda and Others, 1998(1) RSJ 703 Bhikku Ram Vs. the Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in which it has been held that the job continue to be required by the employer. Held that employer has not exercised his right to terminate the services of the petitioner in good faith and the work did not ceased amounts to unfair labour practice, 2003(2) SCT 1013 S. M. Nilajkar and Ors Vs. Telecom District Manager, Karnatka wherein it is held by the Hon'ble Supreme Court that termination of services of workman engaged in a scheme or project may not amount to retrenchment within the meaning of sub clause (bb) subject to the following conditions being satisfied (i) that the workman was employed in a project or scheme of temporary duration, (ii) the employment was on a contract, and not as a daily wager simplicitor, which provided inter alia that the employment shall come to an end on the expiry of the scheme or project; (iii) the employment came to an end simultaneously with the termination of the scheme or project and consistently with the terms of the contract and (iv) the workman ought to have been apprised or made aware of the above said terms by the employer at the commencement of employment, 2000 (84) FLR 896 State of UP Vs. Rajendra Singh Butola and another wherein the Hon'ble S. C. has held that daily wagers worked for years, his services were dispensed with without following procedure provided, procedure for retrenchment was required to be followed-termination order set aside, reinstatement with full back wages ordered.

10. While summing up his arguments learned counsel for the workman submitted that in view of the above law referred by him and that workman has completed more than 240 days in calendar year preceding to the date of termination which is not disputed by the management

although, there are separate rules made by the P&T Department but these rules are to be ignored if inconsistent with the provisions of the I.D. Act. These rules are silent and inconsistent in view of the provisions of Section 25F of the I.D. Act 1947. Learned counsel for the workman further argued that in view of the above law referred by him, the workman who has completed 240 days in a preceding year from the date of his termination, which is not disputed by the management. That besides completing of 240 days, the provisions of Section 25F were not complied with at the time of termination of the workman, the management has failed to prove that the action of the Chief Post Master General Haryana Circle, Ambala Cantt. in terminating the services of Sh. Pancham Lal S/o. Sh. Ram Harak is just and legal. As regards payment of wages, in view of the law referred by the management the workman has left to the court to decide and they did not argue further.

11. In view of the above submissions now main dispute between the parties remains as also agreed firstly that whether applicant comes under the definition of workman under the I.D. Act, 1947 (ii) whether rules related to the conditions of services of the post and Telegram EDA are complete code in itself and provisions of I.D. Act are not applicable, (ii) whether workman is entitled for the relief claimed by him as he has completed 240 days and the management is not justified in terminating his services.

12. Both parties are in agreement that workman has completed 240 days in a calendar year preceding to his termination on 14-1-1997. Both the parties are also in agreement that there are rules relating to conditions and service of the post of EDA. The post of BPM is one of an employee appointed under the above rules. Management has contested this case submitting that workman was appointed on ad hoc basis and that he is a civil servant and the above service rules are complete code in itself is applicable on the workman. Further that applicant is not a workman as defined under the I.D. Act 1947 being civil servant. In view of the law referred by the workman, I am of the considered view that applicant is covered under the definition of workman as defined under Section 2 (s) of the I.D. Act 1947 as he is fully covered under the above definition. As regards applicability of the provisions of the I.D. Act 1947 workman has relied on Section 25 J of the I.D. Act 1947 i.e. effect of law inconsistent with this chapter.

13. In view of the oral submission written arguments and oral evidence and documents and my persual of law referred and my observations above, I am of the considered view that only a short controversy between the parties is that whether the termination of Pancham Lal is legal and justified, and if not to what relief the workman is entitled. It is not disputed by the management rather admitted that workman who was appointed in August 1992 on a lien vacancy as one Harbans Lal was appointed who absented unauthorisedly from August 1992 in his place Pancham Lal

was appointed on part-time mali against a sanctioned post on oral instructions till Harbans Lal resume duty or suitable successor of the absentee is appointed. Workman Pancham Lal on his appointment on the above post in August 1992 was disengaged in Jan. 1997 and a new workman Ram vide letter dated 15-7-97 who joined on 17-7-97. Contentions of the management are that it is a stop gap arrangement and there is no violation of any provisions of the I.D. Act 1947 as workman was told orally that Harbans Lal in whose place has appointed is absented unauthorisedly from August 1992, till, he joined or a regular incumbent through a legal process is appointed, he shall be kept as a part-time mali. Bother of workman is also working as Full-time mali. It is also not disputed that Harbans Lal has not joined his duty at all. It is also admitted by MWI J.C. Seghal who admitted on oath that Ram Lakhan was appointed against a regular vacancy while workman was working on leave vacancy of Harbans Lal. Management has also not disputed that till the termination of Harbans Lal and till appointment of Ram Lakhan who was appointed as his name was sponsored by the employment exchange meand after holding the interview. Although it took about five years but the dispute of Harbans Lal who absented took five years and in his place workman Pancham Lal was continuing w.e.f. August, 1992 till 17-7-97 and it was a stop gap arrangement. Pancham Lal was not appointed after due process of law and his name was not sponsored by the employment exchange and hence he was not considered for regular appointment and after the appointment of Ram Lakhan and termination of Harbans Lal workman disengaged on oral instructions.

14. Learned counsel for the management submitted that in case workman is allowed to be continued it shall be a back door entry and seeking appointment by unfair means. It was specifically told and explained to the workman that his appointment is temporary and is on a stop gap arrangement till Harbans Lal joins his duty or regular appointment is made through legal process. Unfortunately it took five years in deciding the case of Harbans Lal who remained absent and till that period Pancham Lal was engaged. Although there was no written assurance but oral contentions was also not challenged and there is implied agreement between the workman and the management and workman Pancham Lal felt no difficulty in earning his livelihood during the five years. The management did not consider it fair to disengage him earlier and allowed him to continue till services of Harbans Lal were terminated and thereafter adopted legal procedure in appointment of Ram Lakhan. The name of the workman was not considered as his name was not sponsored by the employment exchange and his name can not be considered as per rules. Hence there is one malafide on the part of the management and there is no unfair labour practice by the management and it was a stop gap arrangement and despite the workman has completed 240 days he is not entitled to get benefit of the provisions of Section 25F of the I.D. Act

and other benefits. Hence workman is not entitled to get any relief and his termination was legal and justified.

15. On the other hand learned counsel for the workman submitted that it is not a stop gap arrangement and after completion of 240 days in a year preceding to his termination, the management is bound to follow procedure as provided U/s 25F as his services were terminated without notice, pay in lieu of notice and without compensation, hence termination is *void ab initio* and workman should be reinstated in service.

16. In view of the above submissions I am of the considered view that in this case it is not disputed that workman continued for five years only due to continued legal proceedings against Harbans Lal in whose place as a substitute Pancham Lal workman was appointed. It is also not disputed or challenged that contentions of the management are not true and management witness was not cross examined on this point at all it is therefore held that services of the workman Pancham Lal were disengaged only after services of Harbans Lal were terminated and in his place on a regular basis Ram Lakhan was appointed. In the circumstance I do not find any malafide intention or unfair labour practice or any bad intention to harm the workman by the management. Workman Pancham Lal working as a substitute of Harbans Lal till his termination and till appointment of a person who is duly appointed after following due procedure of recruitment. Therefore, in view of the judgement of Hon'ble Supreme Court in Himanshu Kumar Vidyarthi Vs. State of Bihar 1999(4) SCT and in Rajesh Kumar Vs. P.O. Labour Court a judgement of our own Punjab and Haryana High Court wherein it is held that in case of stop gap arrangement and ad hoc appointment or a short term appointment, the management can defer compliance of Section 25F. It is also not an unfair labour practice. Though provisions of I.D Act Sec. 25-F

It is the contentions of the workmen that termination of his service is in violation of Section 25F of the I.D. Act 1947. The question is whether termination can be said to be in violation of the Section 25F, it is held by the Hon'ble Supreme Court that such termination can not come under the provisions of the I.D. Act 1947 and hence plea that it is in violation of Section 25F of I.D. Act are not correct. Hence I hold that disengagement is not arbitrary.

21. In view of the above law and facts it is proved by the management that the workman was appointed on ad hoc basis till regular arrangement is made, though the workman has completed more than 240 days of service but his case is not covered U/s 25F of the I.D. Act. In view of the above, it is held that termination of the workman is not illegal and there is no violation of Section 25F of the I.D. Act 1947. Therefore, the action of the Chief Post Master General Haryana Circle, Ambala Cantt. in termination of the services of Shri Pancham Lal son of Ram Harak is legal and justified and workman is not entitled to any relief. The

reference is answered accordingly. Central Government be informed.

Chandigarh

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 21 दिसम्बर, 2005

का. आ. 199. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनिन बैंक ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण त्रय न्यायालय नं.-1, मुम्बई के पंचाट (संदर्भ संख्या 50/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-2005 को प्राप्त हुआ था।

[सं एल-12012/89/96-आई.आर. (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 21st December, 2005

S.O.199.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.50/1997) of the Central Government Industrial Tribunal-cum-Labour Court Mumbai No. 1, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 21-12-2005

[No. L-12012/189/96-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

Present

JUSTICE GHANSHYAM DASS

Presiding Officer

REFERENCE NO. CGIT-50 of 1997

Parties : Employers in relation to the management of
Union Bank of India.

AND

Their workman.

APPEARANCES :

For the Management : Shri R.N. Shah, Adv.,

For the workman : Shri J. Sawant

State : Maharashtra

Mumbai, dated the 9th day of December, 2005

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short). *Vide*

Government of India, Ministry of Labour, New Delhi., Order No. L-12012/1/189/96IR(B-II) dated 23-6-1997. The terms of reference given in the schedule are as follows :

“Whether the action of the management of Union Bank of India in retiring Shri P.G. Sawant, Accounting Machine Operator w.e.f. 1-8-95 is legal and justified? If not, to what relief the said workman is entitled?”

2. The case of the workman Shri P.G. Sawant (hereinafter referred to as “workman” in brief is that he had joined the Union Bank of India (hereinafter referred to as “Bank” for short) on 15-2-1956 as sub-staff a lowest category of working staff. At that time he was not insisted specifically about the birth certificate. After few years, the Bio-data green form was obtained by the Bank from the workman in his own hand writing. It is alleged that in the said Bio-data green form the workman had furnished his date of birth as 10-7-1936 which consequently reflected in statement of Provident Fund Account. Thus, workman attained the age of superannuation on 01-8-1996. The workman was issued notice by the Bank dated 09-3-1995 wherein he was shown to retire on 01-8-1995 instead of 01-8-1996. The contention of the workman is that his date of birth was shown as 10-7-1936 correctly in the Provident Fund Statement issued by the Bank to him regularly. Hence, the workman took it to be correct and accepted his date of birth as 10-7-1936. He was arbitrarily and incorrectly retired by the bank on the basis of the date of birth as 10-7-1935 in the service record and denying the statement of Provident Fund. The Bank issued circular No. 302 dated 01-5-1981 for disclosing the date of birth correctly but did not take any action since he presumed that his correct date of birth has been recorded in PF statement. The Bank issued another circular dated 17-6-1988 over riding the earlier circular dated 21-5-1981 and thereby calling upon the employees/workmen to declare date of birth but the workman did not take any action since he was not disclosed the date of birth as recorded in the service record and he presumed the Date of Birth recorded in the PF/Gratuity nomination form as 10-7-1936 is correct. On receiving the retirement notice, the workman obtained birth certificate from Gram Panchayat, Health Department, Taluka Devgad Gram Panchayat, Dist. Sindhudurg and Collector, Taluka Devgad, Dist. Sindhudurg, State of Maharashtra for showing date of birth as 10-7-1936 but the Bank did not accept and illegally retired the workman holding that his date of birth was 10-7-1935. Thus, the workman has been retired a year before the actual date of retirement.

3. The Bank has filed the written statement. The contention is that the workman had joined the services of the Bank in the year 1956. The service record was prepared and maintained on the basis of information received from the workman. This service record bears the signature of the workman. It specifically shows that the date of birth of the workman is 10-7-1935. The workman never disputed the date of birth recorded as such. The entries of the PF

showing the date of birth as 10-7-1936 are not relevant or conclusive proof of the age of the workman. The Bank issued the Circular in the year 1981 and 1988 and still the workman kept silent. The certificate obtained by the workman after receiving retirement notice cannot be taken to be admissible as a proof of date of birth. The workman did not file the School Leaving Certificate which, if filed would have been authenticated proof of the date of birth. Thus, the date of birth as recorded in the service record is correct.

4. I have heard the learned counsel for the parties and have gone through the oral as well as documentary evidence. The entire record is perused by me.

5. In view of the above the short controversy in the instant reference as to whether the date of birth as recorded in the service record which admittedly bears the signature of workman has to be taken as correct or date of birth as recorded in PF statement maintained by the bank as per information furnished by the workman at the time of fulfilling the nomination form for provident fund/gratuity has to be taken as correct.

6. Admittedly, the service record of the workman goes to show that date of birth 10-7-1935. It admittedly bears the signature of the workman. It leaves no room for any doubt about the correctness of the date of birth. The workman never disputed with his date of birth was being incorrectly recorded.

7. Admittedly, the bank issued the circular in the year 1981 & 1988. All the employees of the bank were informed by circulation of the circulars about furnishing the correct date of birth. Admittedly, the workman did not take any action thereupon. It is immaterial as to whether the circulars were personally served upon the workman or not but the issuance of this circular has been referred to by the workman himself in his statement of claim.

8. Admittedly, the workman did not file the School leaving certificate or High School Certificate for showing the date of birth till date either before the Bank or before this tribunal meaning thereby the workman does not possess the authenticated certificate issued by any school. The certificate obtained by the workman after the receipt of the retirement notice, from concerned Gram Panchayat or the Collector cannot be taken to be as admissible conclusive proof for ascertaining and holding date of birth as 10-7-1936. The entries made by the bank in the Provident Fund statement go to show that date of birth of the workman is 10-7-1936. The laws clear on this point that this entry with respect to date of birth cannot be taken to be conclusive proof of the age of the workman. These entries are being recorded on the basis of the information given by the workman while fulfilling the nomination form for receipt of amount of provident fund/gratuity.

9. In a case reported in 1990 I CLR 900 between UP State Sugar Corporation Ltd., V/s. Dy. Labour

Commissioner, Gorakhpur (U.P.) the Honourable High Court of Allahabad held that the date of birth as recorded in Form-2 under Employees Provident Fund and miscellaneous provisions Act will not be conclusive to determine the age of retirement.

10. The Honourable Supreme Court in case of Burn Standard Co. Ltd., vs. Dinabandhu Majumdar & Anr. 1995 SCC (L&S) page 952 held that "The fact that an employee of Government or its instrumentality who remained in service for over decades, with no objection whatsoever raised as to his date of birth accepted by the employer as correct, when all of a sudden comes forward towards the fag end of his service career with a writ application before the High Court seeking correction of his date of birth in his service record, very conduct of non raising of an objection in the matter by the employees should be a sufficient reason for the High Court, not to entertain such applications on grounds of acquiescence, undue delay and laches. Moreover, discretionary jurisdiction of the High Court can never be said to have been reasonably and judicially exercised if it entertains such writ application. Therefore, there should be no hesitation in holding that ordinarily High Court should not, in exercise of its discretionary writ jurisdiction, entertain a writ application/petition filed by an employee of the Govt. or its instrumentality towards the fag end of his service, seeking correction of his date of birth entered in his "service and leave record" or service register with the avowed object of continuing in service beyond the normal period of his retirement".

11. In the case reported in 1996 (72) FLR 834 between Union Bank of India vs. Ram Sua Sharma, the Honourable Supreme Court reiterated that A Court or Tribunal at the belated stage can not entertain a claim for the correction of the date of birth duly entered in the service records."

12. In a case reported in 1987 LAB IC 579 between Steel Authority of India Ltd. Vs. Industrial Court, Indore, the Honourable High Court of Madhya Pradesh held that "If the employees are allowed to challenge their date of birth in such a manner at any point of time at their whim it would amount to an interference the terms of the contract of service hence the circular issued by Company was reasonable and application of employee was liable to be rejected."

13. Keeping in mind, the entire evidence oral as well as documentary on record and the discussions made above, I conclude that the date of birth as recorded in the service record as 10-7-1935 is to be taken as correct and the date of birth as shown in the Provident Fund Statements or in the certificate issued by the concerned Gram Panchayat or Collector, cannot be accepted as correct and is wholly insufficient to rebut the entry with respect to date of birth as shown in the service record bearing the signature of the workman himself.

14. In this view of the matter, the workman has been rightly retired on 1-8-1995 and hence the action of the

management of Union Bank of India in retiring the workman cannot be said to be illegal or unjustified. The workman is not entitled to any relief.

15. The reference is accordingly answered.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 21 दिसम्बर, 2005

का. आ. 200. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय चण्डीगढ़ नं. 2 के पंचाट (संदर्भ संख्या 58/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-2005 को प्राप्त हुआ था।

[सं एल-12012/168/2004-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 21st December, 2005

S.O. 200. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 58/2004) of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh No. II, as shown in the Annexure in the Industrial Dispute between the management of UCO Bank and their workman, received by the Central Government on 21-12-2005

[No. L-12012/168/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

SHRI KULDIP SINGH

Presiding Officer

Case No. I.D. No. 58/2004

Registered on 71-1-2005

Date of Decision 12-12-2005

Sh. Shashi Bhan
S/o Sh. Rulia Ram & P.O.
Uchana, Tehsil and
Distt. Karnal.

Petitioner

V/s.

The Branch Manager,
UCO Bank, Karnal.

Respondents

APPEARANCES

For the workman : Mr. Naveen Daryal,
Advocate

For the Management : Mr. N.K. Zakhmi,
Advocate

AWARD

Government of India vide its notification No. L-12012/168/2004-JR(B-II), dated 17th of December, 2004 referred the following dispute for the adjudication of this Tribunal

“Whether the action of the Management of UCO Bank in terminating the services of Shri Shashi Bhan S/o Sh. Rulia Ram, Jeep Driver w.e.f. 17-1-2002 is just and legal? If not, what relief the workman is entitled to?”

The reference was received in this Tribunal and was registered on 17th of January, 2005. The notice of the reference was given to the parties, who appeared through their representatives on 10th of February, 2005. The workman filed claim petition on 10-2-2005, a copy of which was provided to the Management on the same day. The Management filed written statement on 7th of April, 2005, a copy of which was provided to the workman, who filed rejoinder there to on 15th of April, 2005. The parties were then directed to file their affidavits and they filed the same on different dates and exchanged the copies thereof. The workman appeared as witness for himself whereas the Management has produced Sh. A.D. Arora, the Branch Manager as their witness. It may be noted here that the Manager had filed the affidavit of their another witness Subhash Chander Batra, but they could not examine him as he was transferred, before his statement could be recorded.

The claim of the workman as made out by him in his claim statement, is that he was engaged by the respondent as Jeep Driver on daily wages on 11th of June, 1991 and he served them upto 21st of October, 1994, thereby he rendered three years continuous service to the Management and in any case he worked for the Management for 240 days, a fact which was proved before the Labour Tribunal in a petition, filed by him earlier. That the Management dispensed with the services of the workman without following the provisions of Industrial Dispute Act, as the Management neither issued him one month's notice nor paid him salary for the notice period, before the termination of his services. The workman challenged the termination before the Assistant Labour Commissioner, upon whose failure report the reference was made to the Industrial Tribunal which held that the termination was bad and treats the workman in continuous service till the date of award. In pursuance of that the workman submitted his joining report to the Management i.e. before the Manager, Karnal Branch, but the concerned Manager vide order dated seventeenth of January, 2002 dispensed with the services of the workman saying that no post of Driver was available. The workman then filed a civil writ petition before the Punjab and Haryana High Court, claiming the wages for the period till the date of award and in compliance to the direction of the Punjab and Haryana High Court, the Management paid

an amount of Rs. 5320/-, as wages, upto the date of termination of his services on 17th of January, 2002.

The workman has claimed that the order of his termination is bad as it has been passed in violation of the order of Industrial Tribunal dated 7th of October, 2001. That since the workman had served the Management for more than 480 days as he had served them continuously for 11 years, therefore, he was required to be brought on regular establishment; that the workman was entitled to gratuity since he served the Management for more than 5 years and the order of termination without paying the gratuity is bad. That the Management made fresh recruitment on the post of Driver as per circular dated 28th of June 1991. Thus the new appointees were junior to the workman and the claim of the Management that there is no post of Driver with the Management is false for that reason; that the termination is bad for the reason that the Management did not prepare seniority list of the daily paid workers, as was required under Rule 7 of the Industrial Disputes Act, Central Rules, the Management failed to do that before dispensing with the services of the workman, thus the order of the Management is bad. Lastly, the workman has claimed that the Management terminated the services of the workman without following the provisions of Industrial Dispute Act. They resorted to unfair labour practice, as they dispensed with the services of the workman with retrospective effect, which is bad and illegal.

The Management has opposed the claim of the workman saying that this Tribunal has no jurisdiction to entertain the present petition as the matter stand already settled by an Award of the Labour Tribunal dated 7th of September 2001 and the Management has complied with that and has satisfied the said Award therefore, the workman has no cause of action to maintain the present petition. According to them the workman had gone to the High Court for quashing the order dated 17th of January 2002 by which the services of the workman were dispensed with, without re-instating him in service. However the Hon'ble High Court decided the petition in the terms that since the payment of wages has been made to the workman, therefore, the Award dated 7th of September 2001 has become infructuous. In view of that the workman cannot claim relief already granted by the Hon'ble High Court.

On merits the Management has claimed that the workman was engaged by a contract on daily wages @ Rs. 40 per day, for driving the Bank's vehicle as and when required basis. The services of the workman was utilised in emergency mostly on working days. Claiming that the workman was not engaged against a regular post it is submitted by them that the vehicle was withdrawn from the Karnal Branch and there remained no requirement of a Driver. As such the services of the workman were dispensed within on 21st of October 1994.

Taking the support of authority of Hon'ble Supreme Court, reported in 1998 (IIInd LLJ 15), it is claimed by the Management that since the workman was appointed on the basis of need of work his discharge from service cannot mean to be retrenchment in terms of Section 25-F of the Industrial Dispute Act, 1947, hereinafter to be referred to as "Act". They have also taken the plea that the reference is bad since the principal employer has not been arrayed as a party.

The Management has replied the paras of the claim petition claiming that the workman was disengaged in accordance with the provisions of the Act. They have admitted the contents of Paras 1, 2, 4, 5 & 6 as a matter of record and submitted that the contents of Paras No. 7, of the claim petition, are wrong. The Award passed by the Labour Tribunal became infructuous after the payment was made and accepted by the workman on the directions of the Hon'ble High Court. They have also denied the claim of the workman for regular appointment and stated that the matter of gratuity cannot be looked into by this Tribunal as the same has not been referred to it. They have also denied that after the passing of the Award, by the Industrial Tribunal, the post of Driver was never filled up as no such post ever existed with the respondent. They have also denied that the junior of the workman was retained in service. For that reason also there was no necessity to determine the seniority of the workman. The Management also did not indulge in unfair labour practice.

The workman filed the rejoinder and re-iterated the facts stated in the claim petition. It is claimed by the workman that interpretation given "to the satisfaction of the Award", passed by the Industrial Tribunal, is wrong as the Hon'ble High Court had given option to the workman to challenge the impugned order under the Act. He has further claimed that the pension scheme has been introduced inter-alia, in the Management Bank and the workman having rendered 11 years of service, is entitled to that. He has further claimed that the Management has not denied the issuance of circular regarding the post of Driver and thus has accepted the claim of the workman; that the Management did not prepare any seniority list and retained the juniors of workman in the service while terminating the workman. They also resorted to unfair labour practice since despite the Award they did not appoint the workman and terminated him from the service with retrospective effect.

The workman has filed his own affidavit in support of his pleadings and the documents brought on record by him. The Management has filed the affidavit of their witness namely A.D. Arora, Senior Manager. The Management has also placed on record the affidavit of Subhash Chander Batra, another Senior Manager of the Management, but he was not produced for the cross-examination of the workman. Both workman Shashi Bhan and Management's witness A.D. Batra, also came in the witness box and the

parties had full opportunity to cross-examine the person who appeared as witness for the parties.

I have heard the learned counsel for the parties and have also gone through the record. The ordeal, the workman has undergone started in October 1994 when his services were dispensed with by the Management. The workman approached the labour authorities of Government of India, on whose recommendation a reference was made to the CGIT-cum-Labour Court, Chandigarh, by the Government of India, under reference No. L-12012/05/96. IR dated 22nd of April 1997. The Labour Tribunal vide its Award dated 7th of September, 2001 held that the termination of services of the workman by the Management was unjustified and illegal. The Tribunal further held that the workman will be deemed to be in continuous service of the Management from the date of termination of his services. The pleadings of the parties show that the Management neither challenged the Award passed by the Industrial Tribunal nor they implemented the same. Aggrieved by this conduct of the Management, the workman approached the Hon'ble High Court, by way of writ which was registered as CWP 3782 of 2002. The Hon'ble High Court disposed off the said writ on March 1st, 2004. During the course of the hearing of the said writ the Management paid an amount of Rs. 5320/- by pay order, representing the wages due to the workman upto 17th of January 2002, that is, from the date of Award passed by the Labour Tribunal and the date on which the services of the petitioner were retrenched. In view of that payment, the Hon'ble High Court held that the Award passed by the Labour Court on 7th of September, 2001 has been rendered as infructuous, but simultaneously their lordships opined that in the view of their lordships, it would not be just and appropriate to deal with the variety of compensation paid to the petitioner (workman) under Section 25-F, of the Act, while retrenching him from employment, once again, by order dated 17th of January, 2002. They allowed the workman to challenge the said impugned order under the provisions of Act. The workman has come to this Court through the authorities under the Act to challenge the order of his termination, on a number of grounds.

It is the claim of the workman that as per the Award, passed by the learned Industrial Tribunal, on 7th of September 2001, he was deemed to be in continuous service from 11th of June, 1991 till 7th of September, 2001, the date on which the Award was passed. The workman submitted his joining report, in pursuance of the said Award, on 19th of November 2001, but the Management, instead of allowing him to join his duties, dispensed with his services vide order dated 17th of January 2002, on the grounds that no post of Driver existed in the concerned Branch. In substance, the workman has challenged the termination of his services, by an order dated 17th of January 2002, on the grounds that since the workman had rendered service to the Management, actual as well as, by virtue of the Award passed in his favour, for more than 11 years, therefore, he

was required to be brought on regular establishment having rendered continuous service for 240 days. He was also entitled to the gratuity since he had rendered service for more than 5 years. According to him, the payment of wages in lieu of notice could not legalise the action of the Management so long they did not follow the procedure laid down by Section 25-F of the Act. Thus, the termination of services of the workman on 17th of January 2002, was illegal and unjustified. He has also claimed that the circular issued by the Management, on 28th of June 1991, proves that the Management had made the appointment of a Driver and that belies the claim of the Management that there existed no post of Driver with the Management. They also violated the provisions of Section 25 of the Act as they retained the juniors of the workman in service while terminated the services of senior. They further violated the provisions of Rule 77 of the Industrial Dispute (Central Rules 1957) as they did not prepare seniority list of the category to which the workman belonged, before terminating his services nor they posted a copy of the said seniority list on a conspicuous place within its premises seven days before the termination of services of the workman. According to him the Management also adopted unfair labour practice, by not following the procedure laid down by the Act, which was required to be followed in the case of workman, like the manner, it is followed in the case of regular employees of the Management.

The Management has on the other hand maintained that the Hon'ble High Court of Punjab and Haryana vide its judgment passed in the civil writ petition No. 3782 of 2002, decided on March 1st, 2004 rendered the Award dated 7th of September 2001, as infructuous as the same was fully complied with by the Management and since the Award was complied within full there remained no cause with the workman to come up with the present petition nor he can claim relief refused by the Hon'ble High Court. The Management has further claimed that since the workman was engaged on contract, as daily wager, @ Rs. 40 per day, as and when need basis, in emergency circumstances, he cannot claim relief as he was not appointed against a regular post. Moreover, the vehicle for driving of which he was engaged, was withdrawn from the concerned branch, therefore there remained no requirement of Driver. As such his services were dispensed with. Taking a support from the judgment of Hon'ble Supreme Court, reported as 1998 (1 Ind LLJ 15). It is submitted by the Management that the disengagement of a temporary employee, engaged on daily wages, on the basis of need of work, cannot be termed as retrenchment, if the said workman is not appointed on a regular post in accordance with rules. As in this case the petitioner was not appointed in accordance with the rules and was engaged on need of work basis therefore, his disengagement could not be retrenchment under the Act. The Management has also taken the plea that the reference is bad since the principal employer has not been made party in the reference.

I have considered the submissions of the Management threadbare. I do not agree with the Management that the Award passed by the Labour Tribunal on 7th of September 2001, was rendered infructuous after the Management paid the compensation to the workman in the High Court. The judgment of the Hon'ble High Court, rendered in CWP No. 3782 of 2002, dated March 1, 2004, has to be read as a whole and reliance cannot be placed on isolated paras. as is being done by the Management. If we read the last paras of the judgment, in conjunction, it clearly shows that the Hon'ble Division Bench left it open to the workman to challenge the adequacy of compensation, paid to him by the Management under Section 25-F of the Act for terminating his services on 17th of January 2002. No doubt the Hon'ble Division Bench in last but one para of the judgment opined that the Award passed by the Labour Court dated 7th of September 2001 was rendered infructuous after wages were paid to the workman yet it allowed the workman to challenge the order of termination. The workman has come up with the present proceedings to challenge the payment of due compensation to him by the Management at the time of terminating his services on 17th of January 2002 on grounds of non-payment of due compensation besides other grounds taken by him.

If we look at the amount of compensation paid to the workman in the High Court, in the amount of Rs. 5320, it is clear that the same was nothing but the wages for 4 months and few odd days @ Rs. 40 per day, that is, for the period from the date of Award till the date his services were dispensed with on 17th of January 2002.

It is an admitted fact that the services of the workman were dispensed with on 17th of January 2002 second time. It also stand un rebutted and final that the workman had rendered services for 240 days before the termination of his services first time and in view of the Award he continued to be in service till 7th of September 2001. As per the claim of the Management the services of the workman were terminated second time on 17th of January 2002. It is now claimed by them that the workman had not reported for duty, after the passing of Award. By admitting that the services of the workman were terminated second time on 17th of January 2002, they admitted him to be in continuous service till that date. Thus the workman served the Management for more than ten years by actually rendering the services or by the conduct of Management in not allowing him to work till 17th of January 2002, when his services were terminated second time. As per the provisions of Section 25-F of the Act, the workman was entitled to be paid the retrenchment compensation equivalent to the 15 days average pay for every completed year of continuous service or part thereof, in excess of six months. Besides the Management was also required to serve a notice on the appropriate Government or an authority so authorised by it by a notification in the Official Gazette. There is nothing on record to show that the Management followed

the provisions of this Act on 17th of January 2002, when they dispensed with the services of the workman second time. The Management having failed to do so has rendered the termination of services of the workman as bad in law again. The disengagement of workman on 17th of January, 2002 was therefore, *void ab initio* and he is deemed to in service all through this period till date.

The workman has also challenged his termination on the grounds that the Management failed to comply with the provisions of Section '24-G' and 'H' as they did not prepare a seniority list of the employees of his category nor they followed the principle of last come first go rather they retained the juniors of the workman but retrenched him, who was senior to them. It is also alleged that at the time of making fresh appointments, they did not call the workman although he was entitled to preference over the other persons. The Management has denied this claim of the workman. According to them there was no regular post of Driver with the Management so the question of re-employment of the workman was futile. This submission of the Management has been challenged by the workman with the help of a circular No. CIO/PAD/5/91 dated 28th of June 1991. According to this circular, which was issued under the hand of Mr. M.S. Aulakh, Deputy General Manager, UCO Bank Zonal Office, Chandigarh, there were posts of Drivers available in three branches of the Management Bank, including the branch of the Management Bank at Karnal where the workman was initially engaged. According to this notification, the option was given to the eligible employees in the subordinate cadre and personal Drivers engaged with the officers of the Bank for the Banks Car. This notification was issued on 28th of June 1991, when the workman was in the employment of the Management Bank. The Management neither in their pleadings nor in the statement of their witness disputed the existence of such a circular. Rather their witness A.K. Arora, admitted that three posts of Driver were notified in 1991 and the workman was working with the Management on 11th of June 1991. The claim of the Management, therefore, is belied by their own witness that they existed no post of Driver with the Karnal Branch of the Management Bank and therefore, the workman could not be retained in service. Although it has not been shown as to how many Drivers were working with the Management Bank on the day the services of the workman were retrenched, but the circular brought on record shows that the posts of Drivers were available in three Branches as contained in the notification, referred to above, and it can be presumed that if these three Branches had the posts of Driver, the other Branches must also be having the same unless show otherwise, and therefore, there were other Drivers also working for the Management at the time the services of the workman were dispensed with. The Management, therefore, made further lapse in not preparing the seniority list of the Drivers working with them and also not by following the principle of last come first go. On this ground also the termination of services of the workman

was bad in law. In this regard I get support from the judgment of Punjab and Haryana High Court passed in civil writ petition No. 16418 of 1996 decided on 13-7-1998. Reported in 1998(4) Services Cases today 495 and by another judgment passed in CWP No. 3971 of 1981 decided on 31st of January 1997.

The Management has relied upon a number of judgments in support of their claim that since the appointment of the workman was not in accordance with the rules, therefore, his disengagement was not bad in law. They have relied upon the judgments reported as 2003(5) service law reporter page 766, 2002(4) service cases page 696 and on another judgment passed in CMWP No. 861 of 1986 decided and No. 3, 2003 and reported as 2004-II-LLJ 117. I have gone through these authorities and find that in the facts and circumstances of this case these authorities have no bearing. In the present case the Management has failed to show that the engagement of workman was by a person who was not competent to engage. They have also failed to show that the officer who engaged the workman was issued memo or chargesheet for having not followed the rules and thereby burdened the Bank with a liability. It is also not denied by the Management that the engagement of workman came to the notice of higher officers of the Management, to the Manager, who engaged him and if it came to their knowledge their tacit conduct approved the action of Branch Manager and that made the engagement good in the eyes of law.

Now the question comes as to what relief the workman is entitled to. The workman in his statement has claimed that he is not doing any job at present. However, during the course of proceedings culminated in Award dated 7th of September 2001, he was found to be engaged gainfully and was getting wages more than the wages he was getting from the Management. In the claim petition he nowhere claimed that he is without a job. It was only on a question put by the representative of the Management that he claimed that he is without job at present since when he did not say. If he was without job he should have claimed that in his claim petition and would have elaborated claim on the question of the Management. I am, therefore, of the opinion that he is gainfully engaged and so he is not entitled to any back wages. However, in view of the conclusions arrived at by me I hold that the termination of services of the workman on 17th of January 2002 was illegal and unjustified, therefore, he is deemed to be in continuous service of the Management till date. He is, therefore, entitled to all the benefits except the monetary benefits due to him under rules, as if he had been in the service of Management all through this period. The Award is passed in these terms. Let a copy of it be sent to the appropriate Government for necessary action and the file be sent to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 21 दिसम्बर, 2005

का. आ.201.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या 11/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-2005 को प्राप्त हुआ था।

[सं. एल-12012/256/99-आई आर (बी-II)]

सी. गंगाधरान, अवर सचिव

New Delhi, the 21st December, 2005

S.O.201.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 11/2000) of the Central Government Industrial Tribunal-Cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 21-12-2005.

[No. L-12012/256/99-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE.

Dated: 5th December, 2005

PRESENT

Shri A.R. Siddiqui, Presiding Officer

C.R. No. 11/00

I PARTY

Shri L.K. Digamber,
S/o Lakshman Rao,
H.No. 348,
CIB Colony, Gulbarga
Karnataka.

II PARTY

Zonal Manager,
Syndicate Bank
Zonal Office,
Bangalore-560 022

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order. No. L-12012/256/99/IR (B-II) dated 31st January, 1999 for adjudication on the following schedule :

SCHEDULE

“Whether the action of the management of Syndicate Bank Head Office, Manipal is justified in imposing the punishment of dismissal from service on Shri L.K. Digambar, Workman, if not to what relief the workman is entitled to?”

2. A chargesheet dated 12-6-1996 was issued against the first party by the management as under :—

Charge Sheet

You have been working as Clerk at our Super Market Branch, Gulbarga since 27-7-1984 and that while working there as such; you were entrusted with the Cashier's duties w.e.f. 18-1-1996.

It is now alleged against you—that while you were performing the duties of Receipt Cashier on 27-4-1996, you received an amount of Rs. 5745 from Shri M.B. Mugali, Pigmy Agent which was remitted by him for the credit of Pigmy Suspense Account. Shri M.B. Mugali while preparing the credit slip, though he had written the details of denominations totalling to Rs.5745 and remitted such amount, in the column meant for “Rupees in words” and “Rupees in figures” erroneously wrote as Rs.4745. You, while accounting the said transaction, gave the credit of Rs.4745 to the Pigmy Suspense Account, resulting in excess cash of Rs. 1000 on account of the transactions referred to above.

As per Para No. 24.6.2(i) of Manual of Instructions (Volume-II), whenever there are instances of excess cash, the matter is to be brought to the notice of the Manager and the excess cash found is to be credited immediately to the Suspense Account.

That when the branch while tallying Pigmy Suspense account and Pigmy deposit account, noted that the Pigmy Agent, Shri M.B. Mugali had deposited on 27-4-96 Rs.1000 less than what he had collected on 26-4-1996, directed the Pigmy Agent on 7-5-96 to offer his explanation for remitting less cash on 27-4-1996. Shri M.B. Mugali submitted an explanation to the effect that he had paid Rs.5745 on 27-4-1996 and by oversight, he prepared the credit slip for Rs. 4745. Subsequently, on the same day, i.e. on 7-5-1996, you prepared a credit slip for Rs.1000 and credited the amount to cash excess account.

The above circumstances goes to indicate that though you received excess cash of Rs.1000 while performing the duties of Receipt Cashier from Shri M.B. Mugali, the Pigmy Agent on 27-4-1996, you failed to report the matter to the Manager and also did not credit the excess cash found to suspense account. That you credited the excess cash found on 27-4-1996, to the cash excess account only on 7-5-1996 after the Pigmy Agent enquired with you. Thus, you had retained with you unauthorisedly the cash of Rs. 1000 due to the Bank and misappropriated the same temporarily.

The above act of your part is highly objectionable and amounts to gross misconduct under clauses No. 19.5 of the Bipartite Settlement. We, therefore,

charge you with the gross misconduct of "doing acts prejudicial to the interest of the bank" vide clause No. 19.5(j) of the Bipartite Settlement.

Your explanations, if any, in defence shall be submitted within 7 days of receipt of this chargesheet.

3. In response to the said chargesheet, the first party submitted his explanation dated 16-8-1996 and his explanation not being found satisfactory, a departmental enquiry was ordered and conducted against him resulting into the findings of the Enquiry Officer holding him guilty of the charges of misconduct as levelled in the aforesaid chargesheet. His Defence Representative made a submission in writing dated 29-8-97 in response to the enquiry report seeking exoneration of the misconduct alleged to have been committed by him stating that there was no financial loss caused to the bank in crediting the amount in question with a delay of 10 days. The Disciplinary Authority not being convinced of the explanation and submission made on behalf of the first party, issued a show cause notice dated 8-9-97 proposing the punishment of dismissal from service. Thereafter on 16-10-97 the disciplinary authority had given an opportunity of personal hearing and once again not being satisfied by the explanation offered by first party, confirmed the punishment of dismissal and passed the impugned punishment order dated 15-1-98.

4. The first party workman in his claim statement, in the first instance challenged the enquiry proceedings contending that proceedings of enquiry suffered from violation of principles of natural justice with a further contention that findings of the enquiry are not based on sufficient and legal evidence and that punishment of dismissal not only was unwarranted but was disproportionate keeping in view the gravity of alleged misconduct committed by him.

5. The management by its Counter Statement however, maintained and asserted that charges of misconduct levelled against the first party have been proved not only in the oral and documentary evidence pressed into service but also in the very admissions of the first party of retaining the amount in question with him without crediting to the Suspense Account or returning back to the Pigmy Collector for a period of about 10 days from the date he received the said amount from the said Pigmy Collector and then credited with the bank after the Pigmy Collector brought to his notice of the management issuing him the notice of less payment made by him with regard to the collections made on 26-4-1996. The management further contended that enquiry was conducted in a fair and impartial manner giving reasonable and sufficient opportunity to the first party to defend himself. It contended that findings of the enquiry were considered and appreciated in their proper

perspective by the Disciplinary Authority and therefore, keeping in view the gravity of the misconduct, the punishment of dismissal passed against the first party was legal and justified not to be interfered at the hands of this tribunal.

6. Having regard to the contentions of the respective parties in respect to legality and validity or otherwise of the Domestic Enquiry proceedings, this tribunal took up the above said question as a Preliminary Issue. During the course of trial, the management examined the Enquiry Officer as MW1 and got marked six documents at Ex. M1 to M6 and whereas, no oral or documentary evidence was adduced on behalf of the first party workman.

7. After hearing the learned counsel for the management (counsel for first party remained absent), this tribunal by its order dated 22-2-2005 recorded a finding on the above said issue holding that the enquiry conducted by the management against the first party workman is fair and proper. Thereupon the matter came to be posted to hear the learned counsels for the respective parties on the point of the perversity of the findings and the quantum of the punishment. Learned counsel for the first party filed his written arguments and whereas, learned counsel for the management submitted his oral arguments. In his written argument the first party once again reiterated the various contentions taken by him in his Claim Statement and attacked the oral and documentary evidence brought on record during the course of enquiry as not sufficient and satisfactory to hold him guilty of the charges. He also once again submitted that punishment of dismissal was not proportionate to the gravity of the alleged misconduct committed by him. His next contention was that he had no intention to misappropriate the amount in question and he had explained the circumstances in his explanations submitted to the management giving out the facts as to what prevented him not to deposit the above said amount with suspense account or not to return back to the Pigmy Collector after having come to the notice that he had received excess amount of Rs. 1000 from the said Pigmy Collector on 27-4-96. He also contended that since he has already credited amount with the bank though with a delay of 10 days, there has been no financial loss to the bank and therefore, it was not a fit case to hold him guilty of the charges of misconduct of misappropriation and then to punish him by way of dismissal order.

8. Whereas, learned counsel for the management argued that findings of the enquiry are well based on oral and documentary evidence supported by the very admissions made by the first party workman. He contended that the first party in his explanation to the chargesheet and in response to the enquiry findings, in no uncertain terms, has admitted the fact of receiving of Rs. 5745 from the Pigmy Collector on 27-4-96 and took

into account of the bank only Rs. 4745/- retaining with him an excess amount of Rs. 1000/- and that he credited said amount of Rs. 1000/- to the bank only on 7-5-1996 when the Pigmy Collector was called upon to explain the less payment of Rs. 1000/- collected by him on 26-4-96 and deposited on 27-4-96. Therefore, it was a clear case of temporary misappropriation of the above said amount of Rs. 1000/- belonging to the bank and in the result he was hauled up during the course of enquiry and on the basis of the enquiry finding holding him guilty of the charges, was rightly and justly dismissed from service. He also contended the punishment of dismissed was very much proportionate to the gravity of the misconduct committed by the first party. Learned counsel cited the decisions reported in AIR 2000 SC 3028 and 2002. ILLJ page 345 in support of the argument that punishment was proper and proportionate not to be interfered at the hands of this tribunal.

2. After having gone through the records, I find substance in the arguments advanced by the management as far as proof of the misconduct committed by the first party. From the persual of the proceedings of enquiry and the findings of the enquiry officer holding the first party guilty of the charges, by no stretch of imagination, it can be said that those findings are suffered from perversity. The oral and documentary evidence brought on record during the course of enquiry would make it abundantly clear that the charges of misconduct levelled against the first party have been proved to their hilt and the reasonings given by the enquiry officer in coming to the above said conclusion are very cogent and valid supported by the said evidence. In order to appreciate the respective contentions of the parties, I would like to bring on record the very reasonings of the enquiry officer under the heading 'Analysis of evidence' from pages 8 to 11 of the enquiry report running as under :—

Analysis of Evidence

The allegation against the CSE is that he has temporarily misappropriated an amount of Rs. 1000/- while working as cashier at the branch. The deposition of MW1, who is the Manager of the branch, along with the documentary evidence indicate that the CSE was entrusted with the duties of cashier at the branch vide MEx. 1 and he was working as Receipt Cashier on 27-4-1996. This is not disputed by the defence. It is further established that vide MEx. 2, the Manager, MW1 called for the explanation of the CSE for the excess cash found by him on 27-4-1996. In this letter, the Manager has clearly spelt out that the pigmy agent, Shri M.B. Mugali has remitted Rs. 5745/- on 27-4-96 towards his Pigmy suspense account which was paid by him to the CSE, but by

oversight, the pigmy agent had prepared the credit slip for Rs.4745/-. The Manager has also informed that an explanation was called for from Shri Mugali also and he has clarified the position stating that he has remitted Rs. 5745/- on 27-4-96. This letter MEx. 2 also alleges that the CSE has neither returned the excess amount to the pigmy collector or brought this to the notice of the concerned cash officer and also did not credit the amount to cash excess account and remitted this amount only on 7-5-96 and thus misutilised the said amount of Rs.1000/- for 10 days. In reply, the CSE vide his letter dated 11-5-96 (MEx. 14) has stated that Mr. M.B. Mugali, Pigmy agent had handed over the amount and slip towards pigmy suspense account on 27-4-96 and after verification of cash, he found that there was an excess cash of Rs.1000, but could not return it to the pigmy agent because by that time he had left the office. Further, the CSE states that since he knew pigmy collector, he has not credited the amount to cash excess account with an intention to return the amount to him in the evening and he could not meet him in the evening. Further, he clarifies that due to 2 days holiday, he kept the amount in his house and had forgotten the same and when he rejoined the branch on 7th May, 1996, he came to know from the pigmy agent that an explanation has been called for from the pigmy agent for short remittance of amount on 26-7-1996 and immediately remembered having received the excess cash from the pigmy agent and credited the amount to cash excess account. The CSE further reiterates that the amount which he had kept to himself was with an intention to return it to the pigmy collector and because of the intervening 2 days holiday, he has forgotten the same. The cross examination of MW1 has brought on record through MEx.15 which is the attendance register copy of the branch for the month of April and May 1995 that the CASE was present in the office on 27th April 1996 and 28th and 29th April 1996 were holidays and the CSE has attended the office on 30th April 1996. The attendance register of the branch for May 1996 reveals that first and 2nd May 1996 were holidays and on 3rd May 1996, the CSE was on leave. Further the CSE was present on 4th, 6th & 7th May 1996 and 5th May, 1996 Sunday and was a holiday for the branch. Thus, it is established from the own admission of the CSE that he had received an excess cash of Rs.1000/- and he was well aware at that moment as to who has remitted the amount and he did not remit it to the bank on 30th April 1996 or 4th and 6th May 1996, when he attended the bank and worked as cashier. Contrary to his contentions in MEx. 14, the CSE while replying to the charge-sheet

vide MEx. 17 has stated that he had counted the cash given by the pigmy agent along with the credit slip prepared for Rs. 4745/- but by oversight he might not have noticed the excess of Rs. 1000/- and at the closing hours, he found Rs. 1000/- excess and presumed that Shri Mugali, the pigmy agent has given this amount by oversight and wanted to return the same to him as stated in his letter at MEX. 14. Thus, it is clear that there is difference of excess cash vide his letter MEX. 14 and MEX. 17. Further, in the third paragraph of MEX. 17, the CSE states that on 4-5-96 he informed of excess cash to Shri U.V. Manjunath, Asst. Manager, MW.2 and wanted to hand over the same to him under information to the pigmy collector, but MW2 refused to accept this cash or allowed him to hand it over to the pigmy agent, but suggested that the amount should be remitted only after Manager resumed duty, since he was on leave, etc. MW2 during his deposition has clearly denied this statement of the CSE which goes on record undisturbed. Further, this claim was not stated in the CSE's LETTER, MEX. 14 which is dated earlier to the date of MEX. 17. The defence did not cross examine MW2 to disprove this deposition and did not examine any evidence to prove this point made out by the CSE in MEX. 17. Therefore, I consider that this particular statement of the CSE in MEX. 17 is purely an afterthought. Thus, the evidence examined by the management establishes that the CSE had received excess cash on 27-4-1996 and did not remit it to the Cash excess amount/suspense account on the same day required under MEX. 16 which is an extract of Manual of Instructions. Further, the CSE did not remit the excess amount to the bank on the next available opportunity, i.e. on 30th April, 1996 or even on 2 other days i.e. on 4th and 6th May 1996 when he attended the bank. It is significant to note that he remitted this amount of Rs. 1000/- held by him from 27-4-1996 to the Bank only on 7-5-1996, that too when Shri M.B. Mugali, Pigmy agent alleged that he has paid the correct amount of Rs. 5745/- to him on 27-4-1996 as per MEX. 4 where the total of denomination is correctly mentioned as Rs. 5745/-. MEX. 3 which is the folio of pigmy suspense register shows that the total collections made on 26th April 1996 is Rs. 5745/- and the Manager, MW1 has clearly stated in MEX. 2, letter addressed to the CSE that as per the pigmy collection cards and pigmy collection register, the correct amount of collection made by Shri M.B. Mugali on 26-4-1996 is Rs. 5745/-. Eventhough an amount of Rs. 4745/- is mentioned in MEX. 4, as the amount remitted to the bank by the pigmy agent, Shri M.B. Mugali

on 27-4-96 on the left side of the said challan, the particulars of the denominations and the total thereof is very clearly mentioned, according to this, the total is Rs. 5745/- and it is clearly visible and legible. The branch manager, MW1 also enquired with the pigmy agent for the discrepancy in the amount remitted by him on 27-4-96 and the entries made in Pigmy Suspense collection vide MEX. 5 and the said pigmy agent vide MEX. 6 has clarified that the actual amount of collection on 26-4-96 was Rs. 5745/- and he has written the denomination totalling to Rs. 5745/- correctly in MEX. 4 and has paid the said amount to the cashier, i.e. the CSE even though he has written Rs. 4745/- in the challan (MEX. 4) and requested the Manager to get the excess amount of Rs. 1000/- adjusted from the CSE to his Suspense account. The CSE in his letter, MEX. 14, confirms that he has come to know that an explanation was called from Shri M.B. Mugali, Pigmy agent for short remittance of Rs. 1000/- on 27-4-96 and he remitted the amount immediately. Thus, there is no doubt that the CSE has not only received the excess cash of Rs. 1000/- on 27-4-1996, but definitely known as to from whom he has received the excess cash, and did not make any attempt to remit to the bank immediately or did not inform his superiors also. Even though the CSE has attended the office for 3 days between 27-4-96 and 7-5-96, he did not even inform the pigmy agent about this excess case. Thus, his intention is clear. Further, MEX. 7 which is scroll maintained by the CSE for 27-4-96, states that he had accounted amount of Rs. 4745/- only out of the amount paid by Shri M.B. Mugali towards Pigmy suspense vide Sr. No. 32. Similarly, MEX. 8 which is the cash scroll maintained by the officer reveals that the same amount of Rs. 4745/- has been accounted there also. Thus, the cash was tallied on that day without any difference. MEX. 9, which is a credit slip for Rs. 1000/- towards cash excess account remitted by the CSE by preparing the challan himself on 7-5-96 confirms beyond any doubt that the CSE had received the excess cash on 27-4-96 as narrated in the said challan (MEX. 9) and remitted it on 7-5-96. MEX. 14 and 17 which are the letters given by the CSE also confirms this payment made on 7-5-96. MEX. 12 and 13 are the adjustment slips of this Rs. 1000/- remitted by the CSE which was debited to Cash Excess Account vide MEX. 12 and credited to Pigmy Suspense Account of Shri M.B. Mugali vide MEX. 13. The defence could not alter the evidence of the management, except that the pigmy supervisor had authenticated the amount of Rs. 4745 in MEX. 4 and the hypothesis that PD

agent some times may remit less amount to pigmy suspense account by oversight and there is no alteration in figures of Rs. 4745 in MEx. 4 and the CSE was on leave for few days and there were some holidays between 27-4-1996 and 7-5-1996 etc.

Thus it is clear from the evidence tendered by the managements that the CSE while working as Receipt Cashier at the branch on 27-4-1996 received Rs. 1000 excess from Shri M.B. Mugali, Pigmy Agent and even though he knew it immediately he did not make any attempt either to return the amount to Shri Mugali or to inform the Cash Officer/Manager-in-charge of the branch as is expected of him. Instead, he remitted this amount to the Bank only on 7-5-96, i.e. after a delay of 10 days. The explanation given by the CSE in this connection vide MEx. 14 and 17 are contradictory to each other and is not substantiated by any evidence. In fact, no evidence was examined by the defence to disprove the case of the management.

10. Moreover, it was well argued for the management that, apart from the oral and documentary evidence produced by the management in order to prove the charges of misconduct levelled against the first party, the very explanation submitted by the first party in the first instance in response to the memorandum dated 7-5-96 issued to him, the explanation offered by him to the charge sheet dated 16-9-96 and the written submission made on his behalf by his Defence Representative on the enquiry report would make it abundantly and explicitly clear that he committed the misconduct of temporary misappropriation in not crediting the amount of Rs. 1000 with the Suspense Account of the bank and in not returning the same to the Pigmy Collector after having come to know that he had received excess amount of Rs. 1000 from the said Pigmy Collector on 27-4-1996 when he deposited a sum of Rs. 5745 under Challan filled by him. It was rightly argued for the management that the explanation offered by the first party that he could not credit the amount with suspense account as provided under Manual of Instructions vide Para No. 24.6.2(i). On the next working day also and that he could not return back the amount to the Pigmy Collector immediately as he forgot to do so having kept this amount in his house is an improved and after thought defence taken by him to come out of the clutches of the likely punishment to be imposed upon him. In his explanation at Ex. M2 marked during the course of enquiry submitted in response to the charge sheet, the first party in no uncertain words admits that no doubt he had counted the cash but by oversight he might not have noticed the excess of Rs. 1000 and that he found Rs. 1000 in excess at the closing hours of the

bank. He then stated that he presumed that Shri Mugali (Pigmy Collector) had given him this amount by oversight, therefore, he wanted to return the same to him as stated by him in his letter dated 11-5-1996. In his claim statement before this tribunal also the first party has not disputed the fact of receiving a sum of Rs. 5745 from the said Pigmy Collector on 27-4-1996 and remitted back the same with the bank on 7-5-1996. At para 6 of the Claim Statement he comes with the version that he found the excess amount of Rs. 1000 only at the closing hours and thought that he would return the same to Shri Mugali. He took further contention by saying that he informed the said excess amount to the Assistant General Manager on 4-5-1996 since the General Manager was on leave and therefore, he had no intention to make unlawful gain of the amount in question. As argued for the management, the above said explanation offered by the first party is neither plausible nor acceptable. His defence and explanation has been rightly rejected by the Enquiry Officer by giving sufficient and cogent reasonings in his findings rendered after conducting the due enquiry in the matter.

11. Learned enquiry officer has very valid and convincing reasoning as to why the explanation offered by the first party is not acceptable. He noted in his finding that the first party did not reveal the excess amount to the bank the next working day i.e. on 30-4-96 or even on two other days i.e. on 4th & 6th May, 1996 when he attended bank. Learned Enquiry Officer was also right in holding that the first party in fact credited the said excess amount of Rs. 1000 on 7-5-1996 only after the Pigmy Agent questioned him about the less remittance of his collection and brought to his notice of the fact that the bank has called upon him to explain about the less payment of pigmy collections. The learned enquiry officer also noted the fact that when the bank noticed the fact of less payment of Pigmy collections made by said Pigmy Collector on 26-4-96 and called upon him as to why on 27-4-96 he deposited only Rs. 4745 though collected a sum of Rs. 5745 on 26-4-96. It is thereafter the said Pigmy Collector approached the first party and told him about the amount paid by him and not taken into account by the first party and it is thereafter only the first party credited the said excess amount of Rs. 1000 with bank on 7-5-1996. Therefore, from the above conduct of the first party in retaining the above said excess amount with him for a period of about 10 days and not crediting the same either to the Suspense Account or returning back the same to the Pigmy Collector and the fact that he credited the said amount with bank only after the Pigmy Collector was called upon by the bank about the less payment and in turn the Pigmy Collector called the first party bringing notice to this fact. If really the first party was honest and had no intention of committing misappropriation of the said

amount, he was not prevented to have return back the said amount either on the very date he received from the Pigmy Collector or atleast on the subsequent day when the bank opened. He infact as per above said instructions in the manuals should have credited the said amount with suspense account on the next working day of the bank after having brought this fact to the notice of the Manager. He did not do so. In his very admissions he had counted the amount deposited by the Pigmy Collector and therefore he cannot be allowed to say that he came to know about the excess amount only at the closing hours of the bank. It also cannot be believed that he forgot to deposit the amount with the bank or return to the Pigmy Collector after having kept the same in his house. His explanation that he had brought this fact to the notice of Assistant Manager (Examined as MW2 during the enquiry) on 4-5-1996 itself and that he could not deposit the amount with bank as the Manager was on leave again cannot be attached any credence as MW2 in his cross examination during the enquiry made it clear that first party never apprehended him on 4-5-1996 and brought to his notice of the said excess amount. Moreover, as observed by the enquiry officer, nothing prevented the first party to have credited the said amount with suspense account either on 30th April or on 4th, 6th May, 1996 when he attended the bank. Therefore, in my opinion, the learned enquiry officer was quite right and justified in discarding and rejecting the defence explanation offered by the first party and at the same time, he rightly came to the conclusion that the charges of misconduct of temporary misappropriation of Rs. 1000 by the first party has been proved beyond any shadow of doubt. Therefore, it cannot be said that findings of the enquiry suffered from perversity.

12. Now coming to the question quantum of punishment, now it is well settled principle of law that in the case of misappropriation of the funds, no sympathy can be shown and no lenient view can be taken against the culprit concerned. However, keeping in view the very charge of temporary misappropriation of the funds levelled against the first party and so also keeping in view the fact undisputed that the first party had unblemish service record of more than 13 years, it appears to me that ends of justice will be met if order dismissing him from service is modified by an order of termination of his services so as to enable him to get service benefits for the services he already rendered under the management. Reference is answered accordingly and following Award is passed.

AWARD

The impugned punishment of dismissal passed against the first party is hereby modified by order terminating his services w.e.f. the aforesaid punishment date. He shall be entitled to the service benefits for the

period or service he rendered under the management. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 5th December 2005).

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 21 दिसम्बर, 2005

का. आ.202.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चंडीगढ़ नं०-1 के पंचाट (संदर्भ संख्या 183/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-2005 को प्राप्त हुआ था।

[सं. एल-12012/173/1997-आई आर (बी. II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 21st December, 2005

S.O. 202.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 183/1997) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh No.1 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 21-12-2005.

[No. L-12012/173/1997-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

Case No. I.D.-183/1997

Shri Surjit Singh
C/o Sh. Tek Chand Sharma,
25, Sant Nagar, Civil Lines,
Ludhiana.

Applicant

Versus

The Regional Manager,
Bank of Baroda,
Sector-17, Chandigarh.

Respondent

APPEARANCES :

For the workman : None.

For the management : Shri. Arun Sharma

AWARD**Passed on 11-11-2005**

Central Government *vide* notification No. L-12012/173/1997 IR (B-II) dated 22-10-1997 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Bank of Baroda in terminating the services of Sh. Surjit Singh, S/o Sh. Gian Singh, w.e.f. 25-1-95 is legal and justified ? If not, to what relief the said workman is entitled to and from what date?”

2. Rep. of the management submitted that workman is not appearing from the last several dates and appears not to be interested to pursue with the present reference and better employed somewhere. He submitted that no useful purpose will be served in keeping this case pending further. In view of the above, since workman is not appearing for the last several dates and it appears that workman is not interested to pursue with the present reference. In view of the same, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.
11-11-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 22 दिसम्बर, 2005

का. आ. 203.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गैरीसन इंजीनियर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट (संदर्भ संख्या 46/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-12-2005 को प्राप्त हुआ था।

[सं. एल-14012/57/2003-आई आर (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd December, 2005

S.O. 203.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 46/2004) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Garrison Engineer and their workman, which was received by the Central Government on 22-12-2005.

[No. L-14012/57/2003-IR (DU)]

KULDIPRAI VERMA, Desk Officer

ANNEXURE

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, BHUBANESWAR**

PRESENT :

Shri N.K.R. Mohapatra,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 46/2004
Date of Passing Award—25th November 2005

Between :

1. The Management of the Garrison Engineer (I)
Ministry of Defence R&D, Chandipur,
Dist. Balasore-756025.

2. M/s. Mookerjee &
Company, Contractor,
Regd. Office, 61,
Meleod Street, Kolkata-17 ... 1st Party-Managements

And

Their Workman represented through the
Secretary, Defence Contractors Workers
Union, Chandipur,
Balasore - 756025. 2nd Party-Union

APPEARANCES :

None For the 1st Party-Mgt
No. 1 and 2

Shri Sarathi Behera For Himself - 2nd
Party-Union

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication *vide* their Order No. L-27011/6/2001-IR (M), dated 12-7-2001/3-08-2001 :—

“Whether the action of the Management of Garrison Engineer (I) R&D, Chandipur, Balasore in terminating the services of Shri Sarathi Behera with effect from 12-12-2001 who was engaged as Pump Operator and maintenance work in the establishment though paid through contractors including M/s. Mookerjee & Co. without following the provisions of I.D. Act, 1947 is legal and justified ? If not, what relief the workman is entitled to?”

2. Being engaged by different contractors from time to time the workman was working as a water pump operator in the establishment of Management No. 1, a military establishment at Chandipur in the district of Balasore in Orissa. While working as such he appeared in the recruitment test for the post of Chowkidar in the establishment of Management No. 1 once in 1987 and again in 1997. It is alleged by the 2nd Party-Union representing the workman that even though the workman came out successful in the above interview of 1997 the Management No. 1 in ignorance of the same gave appointment illegally to two other persons who had ranked below the workman. Therefore, he made a representation to the higher authority of Management No. 1. As a result the said Management tried to get false allegation against him through the previous Secretary of the Union and on 12-12-2001 did not allow him to enter the main gate and took away his gate pass in consequence whereof the contractor-Management No. 2 who had deployed the workman in the establishment of

Management No. 1 also refused to keep him on job. As such refusal was done without payment of retrenchment compensation or notice pay as required under section 25-F of the Industrial Disputes Act the Union raised an Industrial Disputes before the Asst. Labour Commissioner (Central) culminating the same in the present reference. Thus the reference.

The notices being sent neither of the Management appeared for which they were set expert.

3. The workman alone has adduced his expert evidence besides producing several documents. Most of these documents are in form of certificates granted to him by various officers of Management No. 1 as to his sincerity to job. The workman has also filed a note book in the form of a duty book to show his entire engagement period.

4. Before dealing with the evidence it should be made clear that a labour supply contractor stands in a different footing from a contractor who has taken a job contract. In the later case the contractor becomes the immediate employer of the worker engaged by him while the establishment who has given such contract becomes their principal employer. The principal employer has the discretion to prevent or refuse unruly or undesirable workers being deployed by the contractor. This action of the Principal employer though *prima facie* appears as refusal of employment to the worker but it can never be termed as retrenchment within the meaning of the term as defined under the Industrial Disputes Act. Under the definition of the term it is the employer (immediate employer) who is responsible for all sorts of termination amounting to retrenchment. The expression "Termination by the employer of the service of workman for any reason whatsoever" has been interpreted by the Apex Court in the case of State Bank of India Versus Shri N. Sundaramoney (1976-1-LLJ-478). According to it a termination takes place by either active steps of the master or running out of the stipulated term and such termination embraces not merely the act of termination of the employer but the fact of termination howsoever produced. Therefore, where a principal employer refuses to entertain a particular worker or prevents him from entering his premises on the ground of security and other administrative reasons he can not be said to have terminated the worker thereby when there is no employee and employer relationship between them. But if on the basis of such act of the principal employer the immediate employer (Contractor) equally refuses further engagement to the worker elsewhere or when he terminates him forthwith from the roll without considering his length of service period or payment of any retrenchment benefit, such action of the contractor would amount to retrenchment of the worker and for this the Contractor himself can alone be held responsible for all legal consequences.

5. In his evidence the workman has claimed that through he had rendered good services from time to time to Opp. Party No. 1 (the principal employer) while working under different contractors the said Management in

ignorance of the same had refused him entry into his premises on 12-12-2001 resulting his termination from the job. But his further evidence indicates that while working under different contractors in the premises of Opp. Party No. 1 he had appeared twice in the recruitment test held for the post of watcher in the establishment of Opp. Party No. 1. His evidence further indicates that in the last test held in 1997 he not being able to her that job had brought voluminous allegations against Opp. Party No. 1 when two other persons were appointed. His claim statement further makes one to infer that during working hours he was resorting to some unhealthy practices detrimental to the interest of Opp. Party No. 1. Therefore, there seems sufficient ground was there for Opp. Party No. 1 to prevent his entry into the premises on the alleged date as on principal employer would ever tolerate a worker of the contractor playing tricks with him. In these premises the action of the Opp. Party No. 1 in refusing the workman to enter his premises appears justified, and the same does not amount to an act of termination on his part.

6. From the evidence of workman it appears that on the basis of the above action of Opp. Party No. 1 his immediate employer (Contractor) has removed him from the roll without payment of any retrenchment compensation even though the Duty Note Book (Ext.-4) shows that he was under his employment for a continuous period over 240 days by then. This action of the Opp. Party No. 2 is no doubt not within the purview of the term of reference. But as the said action of the Opp. Party No. 2 is the direct outcome of the action of the Opp. Party No. 1 and both the actions being simultaneous and interlinked the later action of the immediate employer (Contractor) part takes the character of a matter ancillary to the main terms of reference. As such it is held that the Opp. Party No. 2 was not justified in refusing further engagement to the workman on the basis of the action of the Opp. Party No. 1.

7. Thus in the result the action of the Management No. 1 in not permitting the workman to work within his premises is held to be not bad under law but the action of the Management No. 2 in refusing to provide further engagement to the workman without due payment of retrenchment benefit is held to be bad. There being no evidence on record as to the present status of Opp. Party No. 2, I feel that a monetary compensation if paid to the workman would meet the ends of justice.

8. Accordingly the Opp. Party No. 2 is directed to pay to the workman a consolidated amount of Rs. 80,000/- in lieu of reinstatement and back wages within six months from the date of this order failing which the workman would be entitled to recover the same in due process of law together with 6% interest per annum from the date of this award.

9. Accordingly the reference is answered *ex parte* against both the Opp. Parties.

N. K. R. MOHAPATRA, Presiding Officer

247/06-26

नई दिल्ली, 22 दिसम्बर, 2005

का. आ.204.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीजनल बायो फर्टिलाइजर डेवलपमेन्ट सेन्टर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बेंगलूर के पंचाट (संदर्भ संख्या 29/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-12-2005 को प्राप्त हुआ था।

[सं. एल-42012/68/2000-आई आर (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd December, 2005

S.O. 204.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 29/2000) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Regional Bio Fertilizer Development Centre and their workman, which was received by the Central Government on 22-12-2005.

[No. L-42012/68/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 5th December, 2005.

PRESENT : Shri A R SIDDIQUI, Presiding Officer

C.R. NO. 29/2000

I Party

Sh. L Nagaraj,
S/o late Sh. Lingappa,
No. 73, Guddadahalli,
R.T. Nagar Post,
Bangalore - 560 032.

II Party

The Regional Director,
Regional Bio Fertilizer
Devpt. Centre,
No.34, V Main Road,
Hebbal,
Bangalore - 560 024.

APPEARANCES :

I Party : Sh. A Gopinath,
Advocate
II Party : Smt. Madhushri M Swamy,
Advocate.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of sub-section (1) and sub-section/2A/of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-42012/68/2000/IR(DU) dated 09-08-2000 for adjudication on the following Schedule :

SCHEDULE

"Whether Sh. L. Nagaraj, former daily paid worker is eligible to claim regular employment under the Regional Bio Fertilizer Development Centre, Bangalore ? If not, to what relief the workman is entitled ?"

2. The case of the I party workman (herein after called the 'Workman') as made out in the Claim Statement, briefly, stated is that he belonged to SC community and studied up to S.S.L.C. He was selected and appointed as a casual labourer during October 1992 against a substantive and sanctioned post and his services were utilized continuously without interruption upto July 1995. He maintained a clean and blemishless record of service and put in 240 days of service in each of the twelve preceding months. The fact that he worked as an employee of the management is evident from the Character Certificate dated 01-12-1998; that the Management indulged in worst kind of unfair labour practice and continued to engage I party in different names changing his name quarterly and monthly and so on with an intention to avoid legal complications of his absorption in service; that when things stood thus, the management all of a sudden without assigning any reason and without giving any notice as per Section 25(F) of the I. D. Act refused employment to him since August 1999. His request to the management to allow him to continue in service fell on deaf ears but with an assurance that he will be reinstated in service. Therefore the action of the Management being in violation of mandatory provisions of Section 25(F) and 25(G) of the ID Act amounts to retrenchment and therefore the management must be directed to reinstate him in service with full back wages, continuity of service and all other consequential benefits.

3. The Management by its Counter Statement denied almost all the allegations made by the workman in his Claim Statement. It is denied that he worked with the Management from 1992 till 1995 continuously without interruption and that he maintained a clean and unblemished record of service having put in 240 days of service in each of the calendar year. It denied the contention that the Management all of a sudden refused employment to the workman since 01-08-1999 and that the above said action of the Management amounts to retrenchment and was in violation of the provisions of Sections 25(F) and 25(G) of the ID Act. The Management had thus contended that there is no sanctioned post of casual labourer nor appointments were made against substantive post as casual labourers by the Management. It is contended that in order to meet the work of intermittent nature, daily paid labourers were engaged earlier whenever work was required but as per the change of policy of the Government no casual labourer was engaged there being no requirement for them by the Management. The Management then denied the contention of the workman that he was appointed as a casual labourer against a substantive and sanctioned post. At para 7, the management contended that its

activities do not fall under the definition of Industry and therefore, the present dispute is not maintainable under the provisions of I D Act. Now therefore, in the light of the above this tribunal is to decide the points of reference as noted above.

4. It is to be noted that this tribunal by its award dated 15-10-2001 had allowed the reference on hand with a direction to the Management to reinstate the workman to the post in which he was working without granting the back wages and other reliefs. The Management approached the Hon'ble High Court in Writ Petition No. 10173/2002 challenging the abovesaid award and his Lordship of our Hon'ble High Court set aside the award on the ground that it was an expert award and the Management may be given an opportunity to meet the ends of justice. The matter, therefore, has been remitted back to this tribunal to dispose of the reference on hand giving opportunity to both the parties to submit their claim and counter-claim and to lead evidence at their command.

5. After the remand, the management after having filed their Counter Statement, adduced oral evidence of MW 1 by way of Examination-in-Chief and got marked Nine documents at Ex M-1 to Ex M-9. As a rebuttal, the I Party in addition to his earlier statement in Examination in Chief, filed his additional affidavit by way of further examination in chief and got marked 14 documents at Ex W-4 to Ex W-17. The documents produced by the management marked at Ex M-1 to Ex M-9 vide list dated 22-07-2005 are as follows :

Sl. No.	Particulars
1.	Sanction of post of R B D C, Bangalore
2.	List of No. of days worked by Sri L. Nagaraj
3.	Statement submitted by Sri L. Nagtaraj to Court
4.	NCOF, Ghaziabad letter regarding draft reply R B D C, Bangalore letter with statement regarding number of days worked by Sh. L. Nagaraj
5.	Wages Bill along with Attendance Sheet of March 96 to August 99
6.	Transfer orders from NBDC, Gab of Sri Mahaveer Singh
7.	Employment exchange letter for recruitment of Chowkidar
8.	Recruitment of Peon
9.	Return of ID Card by Sri M. Nagaraja, Chowkidar.

6. The documents produced by the I party vide list at Ex. W-4 to Ex. W-17 are as follows:

Sl. No.	Particulars
1.	Transfer certificate and Marks Card
2.	Caste Certificate
3.	Employment Exchange Card of the 1st party
4.	Application to Central Labour Commissioner Dt. 02-02-2000
5.	Additional Statement of Facts by 1st party
6.	Conciliation reports Dt: 29-02-2000 by the Asst. Labour Commissioner
7.	Letter by Ministry of Labour Dt: 09-08-2000
8.	Notice to IInd Party Dt: 09-08-2000
9.	Joining Report Dt: 28-12-2001
10.	Letter by Asst. Labour Commissioner Dt: 24-12-2001
11.	Letter by Asst. Regional Labour Commissioner Dt: 22-03-2002
12.	Legal Notice Dt: 27-02-2002
13.	Copy of W.P. No. 18173/2002, along with Annexures.
14.	Objection Statement by the 2nd Party Management to IA in W.P. No. 18173/2002, filed by 2nd Party to demonstrate case of the 1st Party Workman in favour of him in the interest of justice and equity.

7. The other three documents which were marked during the course of statement of the workman recorded earlier to the remand are Ex. W-1 to Ex W-3, are the attendance sheet, copy of extract showing the working days of the workman from 1992 onwards and a wound Certificate. Another document again marked Ex W-1 (By oversight) in the cross-examination of MW 1 is a Character Certificate dated 01-12-1998. I would like to refer to the statements of MW 1 and the I party in their cross-examination and the aforesaid documents marked on their behalf as and when found relevant and necessary.

8. Learned counsel for the I party as well as the learned counsel for the Management have submitted their written arguments.

9. The management counsel in her arguments once again repeated the various contentions taken by the Management in their Counter Statement and also referred to the statements of WW 1 in his cross-examination suggesting that he did not work with the management either as a peon or chowkidar or Laboratory Assistant as stated in his affidavit. She also referred to the statement of M. Nagaraju examined as witness for the I Party not supporting his case. She then referred to the observations made by their Lordship of Supreme Court

in SLP (civil) No. 2224/2000 in the Case of Union of India and another versus Mohan Pal etc.

10. Learned counsel for the I party in his arguments again has repeated the various contentions taken by the workman in his claim statement with an additional contention that he worked under the Management as a Peon, Field Man, Chowkidar and also as Lab Assistant on daily wages of Rs. 25.00 (Rupees Twenty five only) during the year 1992-1993 and his wages were increased to Rs. 29.20 (Rupees Twenty Nine and Twenty paise only) per day in the year 1994-1995. He got Rs. 42.60 (Rupees Forty Two and Sixty paise only) during the year 1996-1997 and in the year 1998-1999 then it was increased by Rs. 60.10 (Rupees Sixty and Ten paise only) per day. He contended that the management did not produce the relevant documents from 1992 onwards but produced Nine Xerox copy documents unconcerned and incomplete not based on the original Casual Labour Register and Attendance Register. Therefore, he contended that the Management has held back the documents relevant and helpful to the case of the workman in order to defeat his claim and therefore adverse inference shall have to be drawn against him. He quoted a ruling reported in AIR 1987 SC 695 supporting his arguments. He also contended that the management has been regularizing the services of other casual labourers such as Mahaveer Singh, M. Nagaraju and Ramesh but in the case of the workman discrimination has been made in not regularizing his services despite the fact that he worked with the Management for a period of more than seven years continuously. Learned Counsel also relied upon the decisions noted below:

Sl. No.	Particulars
1.	2005 AIR SCW 3594 — Union of India v/s Gajan Kumar
2.	AIR 1968 SC 1413 — Gopalakrishnaji Ketkar v/s Mohd. Hazi Latief
3.	1985 (2) SCC 136 - Workman of Food Corpn., of India v/s. Food Corpn.
4.	SUPREME COURT OF INDIA (C.A. No. 1279/99, Dt: 26-02-99 — Shamista Dube v/s city Board Etawa and others
5.	1985 LAB, I.C, 1733, H.D. Sing v/s Reserve Bank of India
6.	1979 (2) SCC 80, Hindustan Tin Works Pvt, Ltd. v/s The Employees of Hindustan Tin Works Pvt.
7.	C.R. No. 86/97, Gen. Secretary, Indian Employees Union Aeronautical Development v/s The Admn. Officer Aeronautical Devpt. Establishment, (Tried and Disposed of on 25-07-2001, by this Tribunal)
8.	AIR 1988 SC 37
9.	1989 (2) LLJ 110

Sl. No.	Particulars
10.	FULL BENCH JUDGEMENT (CAT. Vol. 2)
11.	1999 (1) LLJ Page 1012 para 5 & 8
12.	1985 (2) SCC 136, para 15
13.	1985 LIC 1733, para 7 & 8
14.	AIR 1968 SC (1) 1413 para 5
15.	1982 (2) SCC L & S 42
16.	1950 LLJ 921 page 948

11. Keeping in view the respective contentions of the parties, in the first instance, now the points to be determined by this tribunal would be "Whether the workman worked continuously for a period of 240 days immediately preceding refusal of work to him by the Management w.e.f. 01-08-1999," if so, whether the action of the Management tantamounts to retrenchment as defined under section 2(oo) of the I D Act read with Section 25 (f) (a&b) thereof. The fact that the workman did work with the Management during the period from 1992 — 1995 as per the statement at Annexure 4 marked at Ex M-4 is not the point in dispute. However, as per the case of the workman he worked in the above said period i.e. each calendar year continuously for a period of 240 days and where as according to the management as per the above said statement he worked for a period of 11 days in 1992, 225 days in 1993, 217 days in 1994 179 days in 1995. We are not very much concerned here as to whether the workman completed work of 240 days continuously in any one of those years. As noted above, we are here required to find out whether the workman worked continuously for a period of 240 days during the 12 calendar months preceding the date of refusal of work. There are no vouchers or pay slips as such produced by the I party to evidence the fact that he was in the employment of the Management during the aforesaid 12 months and he worked for a period of 240 days in the above said period. However the workman in support of his statement before this tribunal got marked the statment prepared by him showing the period and the number of days he worked during the period from 1992 to July 1999. This statement of the workman was marked at Ex. W-2 and it is interesting to note that it has not been challenged nor its genuineness has been disputed by management during the course of cross-examination of the workman. There was no suggestion made to the workman that he did not work from 1992—1999 and that he did not work continuously for a period of 240 days immediately before he was refused work by the Management. On the other hand it has been elicited from the mouth of the workman that he approached the authority for reinstatement subsequent to August 1999 and was given promises for work and it was also elicited from his mouth that he was doing the job of field man as well as Peon. There was again a statement elicited from his mouth in his cross-examination that he has been working continuously from 1992—1999. No suggestions were made on behalf of the

Management denying the aforesaid statements made by the workman in his cross-examination. The only suggestion by way of denial made on behalf of the management was to suggest that documents referred in the affidavit have been created by him to suit his purpose. There was again no suggestion to make it clear as to what are all the documents mentioned in his affidavit have been created to suit his purpose. Admittedly, many of the documents mentioned in the affidavit by the workman are the documents admitted and they are the Official documents. The genuineness of which could not have been challenged by the management. Apart from the above said documents, the next important document is the Character Certificate marked at Ex W-1. A Perusal of the said certificate would disclose that the then Regional Director of the Management Certified the Character of the workman as on 01-12-1998, the date on which the certificate was issued. Of course from this certificate it cannot be made out that the workman was in the service of the Management and worked for certain period but at the same time it cannot be denied that certificate must have been issued to him by the Regional Director of the Management when he was in the employment of the management as on 01-12-1998. It is again interesting to be noted that there has been no positive and specific case made out me the Management to suggest as to actually till what date or up to what point of time workman was under the employment of the Management. The averments made in the Counter Statement are just by way of denial putting forth no positive and specific case. Similarly is fate with the averments made by MW 1 in his affidavit. In his affidavit at Para 2, the witness just disclosed the number of days worked by workman during the year 1992—1995. There was no denial of the fact that the workman did not work beyond 1995 up till August 1999 and that he was refused work w.e.f. 01-08-1999. Whether the management engaged casual labourers on daily wages subsequent to 1995, there is again no clear stand taken by the Management. The vague contention taken by it is that they have not engaged daily wagers because of change of policy of government and for the reason the management did not require the services of the Casual Labourers (refer para 6 of the counter Statement). The fact that the management had been engaging casual labourers through out and this practice continued up till 1999—2000 has been very much established by the Management itself in the various Wage bills along with the Attendance Sheet of the Casual Labourers ranging from the 1996—1999. It was rightly argued for the workman that the aforesaid Ex M-5 namely Wage bills etc. which do not disclose the name of the Workman as one of the Casual Labourer engaged by the Management during 1996—1999 cannot be relied upon as this piece of evidence goes against the pleadings of the management where they have contended that because of the change of the policy of the government they have stopped engaging the Casual Labourers. Therefore, in the light of the statements of the workman in his Examination-in-chief as well as cross-examination referred to supra and

in the light of the averments made in the affidavit of 1, the stand taken by the Management that I party was not in his service subsequent to the year 1995 or that he did not work continuously for a period of 240 days immediately before refusal of work as noted above cannot be a stand correct and justified in the facts and circumstances of the case.

12. Now a question arises as to whether he worked continuously for a period of 240 days during the 12 calendar months immediately preceding the refusal of his work by the Management. A perusal of Ex W-2 would suggest that the workman during the year 1998 worked for a period 271 days and whereas during the year 1999 he worked for 157 days. If we count the days backward from July 1999 to August 1998, the total period of days worked by the workman under the Management would be 265 days. If we proceed on the assumption that the workman was refused work w.e.f. 01-08-1999 then there cannot be any doubt to come to the conclusion that during the 12 calendar months preceding the date 01-08-1999 on which date he was refused work he did work continuously for a period of 240 days and more and therefore he fulfills the condition of one year service as contemplated under provisions of Section 25 (B) of the ID Act. It is in this view of the matter, the next question to be considered would be "Whether the action of the Management amounts to retrenchment?" as per Section 2 (oo) of the I D Act read with section 25 (F) (a and b) thereof. There is no dispute of the fact nor it is the case of the Management that they have complied with the provisions of 25 (a and b) of the I D Act while refusing work to the workman. Therefore, there cannot be any hesitation to draw a conclusion that not compliance of mandatory provisions of Section 25 (F) would render the retrenchment of the workman as illegal and void *ab initio* and accordingly the action of the management in refusing work to the management since amounts to illegal termination, it is to be set aside on this count itself. Since the above said action of the Management tantamount to illegal retrenchment, so to say, illegal termination of the service of the workman, the resultant corollary would be his reinstatement in service. The next question to be considered would be whether the workman is entitled to allied benefits like Back wages, Continuity of Service etc. He being a Casual Labourer benefit of continuity of service cannot be extended to him, coming to the relief of Back Wages the primary burden to show that he has been gainfully employed from the date he was refused work, cast upon the management. The management has failed to discharge the said burden similarly is the case with the workman. No where in his Claim Statement nor in his affidavit he uttered a single word to suggest that he is without any job or without any gainful employment when he was away from the service of the Management. Therefore, keeping in view the latches both on the part of the Management as well as the workman on the above said point, it appears to me that ends of justice will be met if the workman is ordered to be reinstated in service with 25% of the backwages w.e.f. 15-10-2001, the date of

which the earlier Award was passed by this tribunal. Accordingly, the reference is answered and following award is passed:—

ORDER

The management is directed to reinstate the workman in service as a Casual Labourer and shall pay 25% of the Back Wages as the Rate of Daily Wage of Rs. 60.10 paise (Sixty Rupees and paise Ten only) he was getting as on the date he was refused work under the Management. The Management is at liberty to terminate the service of the party workman in accordance with law. No order to cost.

(Dictated to L D C, transcribed by him, corrected and signed by me on 5th December, 2005)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2005

का. आ.205.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिवाइजनाल इंजीनियर (फोन्स) के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एल सी/आर/212/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-2005 को प्राप्त हुआ था।

[सं. एल-40011/5/90-आई आर (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th December, 2005

S.O.205.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/212/90) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Divisional Engineer (Phones) and their workman, which was received by the Central Government on 15-12-2005.

[No. L-40011/5/90-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR.

No. CGIT/LC/R/212/90

PRESIDING OFFICER : SHRI C.M. SINGH

Shri Dilip Kumar and 3 others,
C/o Shri S. N. Shukla, Divisional Auditor,
All India Telecom Employees Union
(Line Staff and class-IV),
Telephone exchange,
Wright Town, Jabalpur

Workmen/Union

Versus

The Divisional Engineer (Phones)
Jabalpur, Wright Town,
Jabalpur.

Management

AWARD

Passed on this 30th day of November, 2005.

1. The Government of India, Ministry of Labour vide notification No.L-40011/5/90- IR (DU) dated 24-10-90 has referred the following dispute for adjudication by this tribunal :

“Whether the action of Divisional Engineer (Phones), Jabalpur in terminating the services of (1) S/Shri Dalip Kumar, (2) Sakeel Ahmed (3) Rakesh Kumar, Ex-casual labourers w.e.f. 31-3-88 and Shri Ashok Kumar w.e.f. 30-3-88 is justified ? If not, what relief the concerned workmen are entitled to and from what date ?”

2. After the reference order was received, it was duly registered on 31-10-90 and notices were issued to the parties to file their respective statements of claim. It appears that the Secretary of the Union/workmen filed the statement of claim on 28-12-90. Thereafter the management filed their written statement on 29-8-91. It further appears from the record that the workmen Shri Dalip Kumar and Shri Rakesh Kumar filed their so called affidavits on 2-11-94. These documents are not affidavits in the eye of law because the documents donot bear proper stamp duty and have not been sworn in accordance with law. The record further reveals that since 15-12-03 till 28-11-05 the date when the reference was closed for award, the workmen remained absent inspite of sufficient service of notice on them. Therefore on 16-8-05, this tribunal ordered that the reference shall proceed exparte against workman and fixed 28-11-05 for exparte evidence of management. On this date, the parties remained absent. As the result, this tribunal was left with no other alternative but to close the reference for award and accordingly on 28-11-05, the reference was closed for award.

3. It is clear from the above that the parties are not interested in prosecuting this reference. It appears that there is left no dispute between the parties. Under the circumstances, it shall be just and proper to pass no dispute award.

4. In view of the above no dispute award is passed without any order as to costs.

5. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

आदेश

नई दिल्ली, 28 दिसम्बर, 2005

का.आ. 206.— जबकि केंद्रीय सरकार की यह राय थी कि भारतीय स्टेट बैंक के प्रबंधन और उनके कामगारों के बीच औद्योगिक विवाद विद्यमान था;

और जबकि केंद्रीय सरकार की यह राय थी कि उपरोक्त विवाद में राष्ट्रीय महत्व का प्रश्न अन्तर्गस्त था;

और जबकि केंद्रीय सरकार की यह राय थी कि उपरोक्त विवाद का राष्ट्रीय औद्योगिक न्यायाधिकरण के द्वारा न्यायनिर्णयन किया जाना चाहिए;

और जबकि औद्योगिक विवाद अधिनियम, 1947 की धारा 7 (ख) (1947 का 14) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार ने श्रम और रोजगार मंत्रालय के आदेश संख्या एल-12011/15/94-आई आर (बी-1), दिनांक 07-11-1994 के तहत एक राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन किया जिसका मुख्यालय मुंबई में रखा गया है और इसके पीठासीन अधिकारी के रूप में न्यायविद् श्री आर.जी. सिन्धाकर को नियुक्त किया और उपरोक्त अधिनियम की धारा 10 की उप-धारा (1 क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उपरोक्त औद्योगिक विवाद को न्यायनिर्णयन के लिए उपरोक्त राष्ट्रीय औद्योगिक न्यायाधिकरण के पास प्रेषित किया।

और जबकि श्री आर.जी. सिन्धाकर का कार्यकाल 11-05-1995 को समाप्त हो गया।

और जबकि एक राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन किया गया था जिसका मुख्यालय मुंबई में था तथा जिसके पीठासीन अधिकारी न्यायविद् श्री आर.एस. वर्मा थे और उपरोक्त विवाद को इस निदेश के साथ न्यायनिर्णयन के लिए उपरोक्त राष्ट्रीय औद्योगिक न्यायाधिकरण के पास प्रेषित किया गया था कि वह उस स्थिति से न्यायिक कार्रवाई शुरू करेंगे जहां पर न्यायविद् श्री आर.जी. सिन्धाकर द्वारा उसे छोड़ा गया था।

और जबकि न्यायविद् श्री आर.एस. वर्मा का कार्यकाल 07-01-1998 को समाप्त हो गया।

और जबकि एक राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन किया गया था जिसका मुख्यालय मुंबई में था जिसके पीठासीन अधिकारी न्यायविद् श्री सी.बी. गोवर्धन थे और उपरोक्त विवाद को इस निदेश के साथ न्यायनिर्णयन के लिए उपरोक्त राष्ट्रीय औद्योगिक न्यायाधिकरण के पास प्रेषित किया गया था कि वह उस स्थिति से न्यायिक कार्रवाई शुरू करेंगे जहां पर न्यायविद् श्री आर.एस. वर्मा द्वारा उसे छोड़ा गया था।

और जबकि न्यायविद् श्री सी.बी. गोवर्धन का कार्यकाल 08-01-2000 को समाप्त हो गया।

और जबकि, एक राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन किया गया था जिसका मुख्यालय मुंबई में था तथा जिसके पीठासीन अधिकारी न्यायविद् श्री एस.सी. पाण्डेय थे और उपरोक्त विवाद को इस निदेश के साथ न्यायनिर्णयन के लिए उपरोक्त राष्ट्रीय औद्योगिक न्यायाधिकरण के पास प्रेषित किया गया था कि वह उस स्थिति से न्यायिक कार्रवाई शुरू करेंगे जहां पर न्यायविद् श्री सी.बी. गोवर्धन द्वारा उसे छोड़ा गया था।

और जबकि न्यायविद् श्री एस. सी. पाण्डेय का कार्यकाल 08-09-2004 को समाप्त हो गया।

इसलिए अब, एक राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन किया जाता है जिसका मुख्यालय मुंबई में होगा तथा जिसके पीठासीन अधिकारी न्यायविद् श्री घनश्याम दास होंगे और उपरोक्त विवाद को इस निदेश के साथ न्यायनिर्णयन के लिए उपरोक्त राष्ट्रीय औद्योगिक न्यायाधिकरण के पास प्रेषित किया जाता है कि न्यायविद् श्री घनश्याम दास उस स्थिति से न्यायिक कार्रवाई शुरू करेंगे जहां पर न्यायविद् श्री एस. सी. पाण्डेय द्वारा उसे छोड़ा गया था और उसे कानून के अनुसार निष्पादित करेंगे।

[सं एल.-12011/15/94-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

ORDER

New Delhi, the 28th December, 2005.

S.O. 206.— Whereas the Central Government was of the opinion that an Industrial Dispute existed between the management of State Bank of India and their workmen;

And Whereas the Central Government was of the opinion that the above dispute involved a question of national importance;

And Whereas the Central Government was of the opinion that the above dispute should be adjudicated by a National Industrial Tribunal;

And Whereas the Central Government in exercise of the powers conferred by Section 7B of the I.D. Act, 1947 (14 of 1947) constituted a National Industrial Tribunal vide Ministry of Labour Order No. L-12011/15/94-IR(B1) dated 7-11-94 with headquarters at Mumbai and appointed Justice R. G. Sindhakar as its Presiding Officer and in exercise of the powers conferred by Sub-section (1A) of Section 10 of the said Act, referred the said Industrial Tribunal to the said National Industrial Tribunal for adjudication.

And whereas, the term of Shri R. G. Sindhakar expired on 11-5-1995.

And whereas, a National Industrial Tribunal constituted with headquarters at Mumbai with Justice Shri R. S. Verma as its Presiding Officer and the said above dispute was referred to the said National Tribunal for adjudication to proceed with the proceedings from the stage at what it was left by Justice R. G. Sindhakar.

And whereas, the term of Shri R. S. Verma expired on 7-1-1998.

And whereas, a National Industrial Tribunal constituted with headquarters at Mumbai with Justice Shri C. V. Govardhan as its Presiding Officer and the said above dispute was referred to the said National Tribunal for adjudication to proceed with the proceedings from the stage at what it was left by Justice R. S. Verma.

And whereas, the term of Shri C. V. Govardhan expired on 8-1-2000.

And whereas, a National Industrial Tribunal constituted with headquarters at Mumbai with Justice

Shri S. C. Pandey as its Presiding Officer and the said above dispute was referred to the said National Tribunal for adjudication to proceed with the proceedings from the stage at what it was left by Justice C. V. Govardhan.

And whereas, the term of Shri S. C. Pandey expired on 8-9-2004.

Now, therefor, a National Industrial Tribunal is constituted with Headquarters at Mumbai with Justice Shri Ghanshyam Dass as its Presiding Officer and the said above dispute is referred to the said National Tribunal for adjudication with the direction that Justice Shri Ghanshyam Dass shall proceed with the proceedings from the stage at which it was left by Justice S. C. Pandey and dispose of the same according to law.

[No. L-12011/15/94-IR (B-I)]

AJAY KUMAR, Desk Officer

आदेश

नई दिल्ली, 4 जनवरी, 2005

का.आ. 207.— जबकि मैसूर सीमेंट लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों, जिनका प्रतिनिधित्व मैसूर सीमेंट कर्मचारी संघ कर रहा है, के बीच इसके साथ संलग्न अनुसूची में विनिर्दिष्ट मामलों के संबंध में एक औद्योगिक विवाद उत्पन्न हो गया है;

2. और जबकि, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने दिनांक 1-9-2003 के समसंख्यक आदेश द्वारा उक्त औद्योगिक विवाद को न्यायनिर्णयन के लिए उक्त राष्ट्रीय औद्योगिक न्यायाधिकरण के संदर्भित किया था;

3. और जबकि उक्त न्यायाधिकरण के पीठासीन अधिकारी के पद पर तैनात अधिकारी ने उपर्युक्त राष्ट्रीय औद्योगिक न्यायाधिकरण के पीठासीन अधिकारी के पद का कार्यभार छोड़ दिया था;

4. इसलिए अब, एक राष्ट्रीय औद्योगिक न्यायाधिकरण का पुनः गठन किया जाता है जिसका मुख्यालय मुंबई में है और जिसके पीठासीन अधिकारी के रूप में न्यायमूर्ति श्री घनश्याम दास को नियुक्त किया जाता है तथा उपर्युक्त विवाद उक्त राष्ट्रीय औद्योगिक न्यायाधिकरण को इस निदेश के साथ न्यायनिर्णयन हेतु भेजा जाता है कि न्यायमूर्ति श्री घनश्याम दास इस मामले में उस अवस्था से कार्यवाही करेंगे जहां पर इसे छोड़ा गया था और कानून के अनुसार इसका निपटान करेंगे।

अनुसूची

“क्या संराधन अधिकारी के समक्ष दिनांक 14-8-2000 को सीमेंट विनिर्माता संघ एवं फेडरेशन अर्थात् आई.एन.सी.डब्ल्यू.एफ. (इंटक) तथा सीटू, ए.बी.सी.एम. संघ (बी.एम.एस.), ए.आई.सी. डब्ल्यू.एफ. (एटक) और ए.बी.सी.एम. संघ (बी.एम.एस.), ए.आई.सी. डब्ल्यू.एफ. (एटक) एवं सीटू के बीच हस्ताक्षरित समझौता मैसूर सीमेंट लिमिटेड, अम्मासान्द्रा, तुमकुर जिला (कर्नाटक) पर बाध्यकारी होगा तथा क्या मैसूर सीमेंट्स लिमिटेड के कामगार उक्त समझौते में दिए गए अनुसार तथा उद्योग में प्रचलित मजदूरी दरों आदि का दावा करने के पात्र हैं ?”

[फा. सं एल-29011/108/2002-आई आर (एम.)]

बी. एम. डेविड, अवर सचिव

ORDER

New Delhi, the 4th January, 2006

S.O. 207.—Whereas an industrial dispute arose between the employers in relation to the Management of Mysore Cement Limited and their workmen represented by Mysore Cement Employees Association in respect of matters specified in the schedule herewith annexed;

2. And whereas the Central Government in exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the ID Act, 1947 (14 of 1947) had referred the above said dispute for adjudication to the National Industrial Tribunal vide order of even number dated 1-9-2003;

3. And whereas incumbent of the post of the Presiding Officer of the above said Tribunal relinquished charge of the post of Presiding Officer of the above mentioned National Industrial Tribunal.

4. Now therefore, a National Industrial Tribunal is reconstituted with headquarters at Mumbai with Justice Ghanshyam Dass as its Presiding Officer and the above said dispute is referred to the said National Industrial Tribunal for adjudication with the direction that Justice Shri Ghanshyam Dass shall proceed in the matter from the stage at which it was left and dispose of the same according to law.

SCHEDULE

“Whether the settlement signed between Cement Manufacturers Association and Federation Viz. INCWF (INTUC), ABCM Sangh (BMS), AICWF (AITUC) and ABCM Sangh (BMS), AICWF (AITUC) and CITU on 14-8-2000 before the Conciliation Officer would be binding upon the Mysore Cements Ltd., Ammasandra, Tumkur Distt. (KN) and whether the workmen of Mysore Cements Ltd., are entitled to claim wage rates etc. as in the said settlement and as prevailing in the industry ?”

[F.No. L-29011/108/2002-IR (M)]

B. M. DAVID, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 4 जनवरी, 2006

का.आ. 208.— भारत के राजपत्र, भाग II, खण्ड 3, उप खण्ड (ii) दिनांक 31 जुलाई, 2005 में संख्या का.आ. 2799 द्वारा प्रकाशित भारत सरकार, श्रम और रोजगार मंत्रालय की अधिसूचना में “मेदक जिले के तुपरान मण्डल के अन्तर्गत दौन्दी के बाह्य क्षेत्र” शब्दों को निम्नलिखित शब्दों से प्रतिस्थापित किया जाए, अर्थात्:—

“आन्ध्र प्रदेश के ‘मेदक’ जिले के तुपरान मण्डल के अधीन आने वाले राजस्व ग्राम यथा ‘रामईपल्ली’ ‘मनोहराबाद’ ‘जिडीपल्ली’ तथा ‘मुप्पीरिड्डीपल्ली’ के अन्तर्गत सभी क्षेत्र”

[फा. सं एस-38013/40/2005-एस. एस. 1]

के. सी. जैन, निदेशक

CORRIGENDUM

New Delhi, the 4th January, 2006

S.O. 208.—In the notification of the Government of India, Ministry of Labour and Employment Published in

the Gazette of India, Part II, Section 3, Sub-section (ii) dated 31st July, 2005 vide No. S. O. 2799, for the words "Areas falling within the donthi outskirts in Toopran Mandal of Medak District" the following words shall be substituted namely :

"All the areas falling within the revenue Villages of Ramaipally, Manoharabad, Jeedipally and Muppireddy pally of Toopran Mandal of Medak District of Andhra Pradesh".

[F.No. S-38013/40/2005-SS.I]

K. C. JAIN, Director

नई दिल्ली, 5 जनवरी, 2006

का.आ. 209.—केंद्रीय सरकार, एतद्वारा कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91-क के साथ पठित धारा-88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम प्रवर्तन से मै. सेन्ट्रल इनलैण्ड वाटर ट्रांसपोर्ट कारपोरेशन लिमि. की दो इकाईयों अर्थात् मैसर्स मैरीन वर्कशॉप और राजाबागान डाकयार्ड दोनों ही कलकत्ता, पश्चिम बंगाल में स्थित, के नियमित कर्मचारियों को 1-1-1997 से 30-9-2006 तक की अवधि के लिए छूट प्रदान करती है।

2. उक्त छूट का शर्त निम्नलिखित है ; अर्थात्:—

1. पूर्वोक्त प्रतिष्ठान जिसमें कर्मचारी नियोजित है, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाभिधान दिखाये जायेंगे;
2. इस छूट होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संदत्त अभिधायों के आधार पर हकदार हो जाते हैं;
3. छूट प्राप्त अवधि के लिए, यदि कोई अभिदाय पहले ही किए जा चुके हों, तो वे वापस नहीं किए जाएंगे;
4. उक्त कारखाने/ प्रतिष्ठान का नियोजक उस अवधि की बावत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था, (जिसे इसमें इसके पश्चात् "उक्त अवधि कहा गया है") ऐसी विवरणों ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बावत देती थी;
5. निगम द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरक्षक या नियम का इस निमित्त प्राधिकृत कोई अन्य पदधारी:
 - (i) धारा 44 की उप-धारा (1) के अधीन, उक्त अवधि की बावत दी गई किसी विवरण की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ, अथवा
 - (ii) यह अभिनिरिचित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाअपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं, या
 - (iii) यह अभिनिरिचित करने के प्रयोजनार्थ कि कर्मचारी, नियोजन द्वारा दिये गए उन फायदों को, जिसके फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही

है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं, या

(iv) यह अभिनिरिचित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं, निम्नलिखित कार्य करने के लिए सशक्त होगा :—

(क) प्रधान या आसन्न नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; अथवा

(ख) ऐसे प्रधान या आसन्न नियोजक के अधिभोगाधीन, किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं, या

(ग) प्रधान या आसन्न नियोजक की, उसके अधिकर्ता या सेवक की, या ऐसे किसी व्यक्ति को, जो ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में पाया जाए, यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना, या

(घ) ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की नकल तैयार करना या उद्धरण लेना।

[फा. सं एस-38014/6/2005-एस. एस. I]

के. सी. जैन, निदेशक

स्पष्टीकरण ज्ञापन :—

इस मामले में छूट को भूतलक्षी प्रभाव देना आवश्यक हो गया है क्योंकि छूट के आवेदन पर कार्यवाही करने में समय लगा था तथापि, यह प्रमाणित किया जाता है कि छूट को भूतलक्षी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

New Delhi, the 5th January, 2006

S.O. 209.— In exercise of the powers conferred by Section 88 read with Section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby exempts the regular employees in respect of two units of M/s. Central Inland Water Transport Corporation Limited i.e. M/s. Marine Workshop and M/s. Rajabagan Dock Yard both in Kolkata, West Bengal from the operation of the said Act for the period from 1-1-1997 to 30-9-2006.

2. The above exemption is subject to the following conditions namely:—

- (1) The aforesaid establishment wherein the employers are employed shall maintain a register showing the name and designations of the exempted employees.
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits

under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;

- (3) The contributions for the exempted period, if already paid, shall not be refundable.
- (4) The employer of the said factory/establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred as the said period), such returns in such forms and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950.
- (5) Any inspector appointed by the Corporation under Sub-section (1) of Section 45 of the said ES I Act or other official of the Corporation authorized in this behalf shall, for the purpose of :—
 - (i) Verifying the particulars contained in any return submitted under Sub-section (1) of Section 44 for the said period; or
 - (ii) Ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) Ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) Ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation of the said factory to empowered to :
 - (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
 - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
 - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or
 - (d) make copies of or take extracts from any register, account book or other document main-

tained in such factory, establishment, office or other premises.

[F. No. S-38014/6/2005-SS-I]

K.C. JAIN, Director.

EXPLANATORY MEMORANDUM.—It has become necessary to give retrospective effect to the exemption in this case as processing of the applications for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of any body adversely.

नई दिल्ली, 6 जनवरी, 2006

का.आ. 210.— केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 2376 दिनांक 28-6-2005 द्वारा बैंक नोट मुद्रणालय, देवास (म.प्र.) जोकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 22 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 10-7-2005 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 10-1-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/1/2006-आई.आर. (पी.एल.)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 6th January, 2006

S.O. 210.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour No. S.O. 2376 dated 28-6-2005 the service in Bank Note Press, Dewas which is covered by item 22 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 10th July, 2005.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 10th January, 2006.

[F. No. S-11017/1/2006-IR (PL)]

J. P. PATI, Jt. Secy.